

CASE NUMBER: 034252/2022

## EXHIBIT(S) - D (Motion #001) - Exhibit D - Amended Complaint

Document prepared for:  
kevin barlow

**CASE NAME**

Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin  
Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth  
Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet  
Dasz...

**CASE FILING DATE**

Oct. 5th, 2022

**DOCUMENT FILED DATE**

Feb. 21st, 2023

**COUNTY**

Rockland county, NY

**JUDGE**

Sherri L Eisenpress

**CATEGORY**

Torts - Environmental (SARS-COV-2)

**STATUS**

Active

# EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK.  
COUNTY OF ROCKLAND

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**IN RE SARS-CoV-2;**

INDEX NO. 034252/2022

KATHLEEN MCKINNISS, PROPOSED REPRESENTATIVE OF  
THE ESTATE OF ROSEMARIE MCKINNISS, DECEASED;  
CARIN ROSADO, individually; GERALDINE FINN, AS  
EXECUTOR OF THE ESTATE OF JAMES FINN, DECEASED;  
DAVID CADDOD, EXECUTOR OF ESTATE OF PATRICIA  
MARIE CADDOD, DECEASED; MELANIE SMITH,  
EXECUTRIX OF ESTATE OF ROBERT SENDZISCHEW,  
DECEASED; KIMBERLY J. LEWIS, EXECUTRIX OF ESTATE  
OF ROBERT F. LEWIS, DECEASED; LISA PETER, PROPOSED  
REPRESENTATIVE OF ESTATE OF PATRICIA A. CHISLETT,  
DECEASED; and ROXANNE JONES, PROPOSED REPRESENTATIVE  
OF ESTATE OF DALE JONES, DECEASED

**AMENDED  
VERIFIED COMPLAINT  
JURY TRIAL DEMANDED**

Plaintiffs,

-against-

ECOHEALTH ALLIANCE, INC., PETER DASZAK,  
JANET D. COTTINGHAM a/k/a JANET DASZAK,  
RALPH BARIC, WALTER IAN LIPKIN, and JOHN  
AND JANE DOES 1-1000;

Defendants.  
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Plaintiffs, by and through their undersigned attorneys, respectfully allege as  
follows:

**I. INTRODUCTION**

1. These are personal injury actions and tort claims against Defendants and their affiliates, subsidiaries, alter-egos, named and unnamed co-conspirators, and/or joint venturers who were responsible for creating, financing, designing, researching, developing, testing, manufacturing, and releasing SARS-CoV-2 into the environment, directly and proximately causing the Covid-19 pandemic and plaintiffs' injuries.

2. The above-identified Plaintiffs allege claims for negligence, strict liability, negligent failure to warn, intentional infliction of emotional distress, negligent infliction of emotional distress, assault and battery, medical monitoring fear of contracting illness, civil conspiracy, wrongful death, survival and breach of warranty.
3. The Covid-19 pandemic could have been avoided.
4. Plaintiffs allege Defendants caused the Covid 19 pandemic injuring them by engaging in *Gain of Function* (“**GOF**”) research and virus manipulation, whereby, a virus is transformed and genetically altered to become more transmissible and/or virulent to humans creating the SARS-CoV-2 virus that causes Covid 19.
5. Defendants alleged illegal acts caused for the **GOF** SARS-CoV-2 manipulated virus to be released into the environment directly and proximately causing Plaintiffs’ injuries.
6. Defendants engaged in dangerous **GOF** research despite a federal moratorium on such research, and ultimately exposed the world to a manipulated, highly transmissible and deadly lab-made virus and global pandemic, directly and proximately causing Plaintiffs’ injuries.
7. On March 13, 2020, then President Donald Trump stated: “In December 2019, a novel (new) coronavirus known as SARS-CoV-2 (‘the virus’) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally.” 85 Fed. Reg. 15337 (“Proclamation 9994”) (March 18, 2020).<sup>1</sup>

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<sup>1</sup> See also 85 Fed.Reg. 17060, 17062 (March 26, 2020) (“COVID-19 is a communicable disease caused by a novel (new) coronavirus, SARS-CoV-2, that was first identified as the cause of an outbreak of respiratory illness that began in Wuhan, Hubei Province, People’s Republic of China (China).” 85 Fed.Reg. 17335 (March 27, 2020) (“involves a novel (new) coronavirus (nCoV) first detected in Wuhan City, Hubei Province, China in 2019 (2019-nCoV). The virus is now named SARS-CoV-2, which causes the illness COVID-19.”).



8. In April 2020, President Trump proclaimed that SARS-CoV-2, also known as the Covid 19 virus, was released from a Level-4 Bio Safety Laboratory (“BSL-4”) in Wuhan, China.
9. This dangerous Covid 19 virus was manufactured by and through Defendants at the Wuhan Institute of Virology (“WIV”), at Level-2 (“BSL-2”) and Level-3 (“BSL-3”) Bio Safety Laboratories that were less secure than required by law.<sup>2</sup> See Exhibit “1” to Complaint (“Compl.”), *Photos of the Wuhan Institute of Virology*.
10. WIV’s failed safety and lax security, as well as its ties to the Chinese military, were well known to Defendants who disregarded the risks of **GOF** work it was subcontracting to WIV in violation of federal law.
11. Defendants disregarded WIV failed safety and lax security, and created the SARS-CoV-2 virus at the WIV that directly and proximately injured Plaintiffs.
12. Since the release of the **GOF** SARS-CoV-2 virus into the environment, Defendants thereafter engaged in a cover-up with respect to the origins of SARS-CoV-2, impeding effective countermeasures and strategies to control the release, mutation, and spread of SARS-CoV-2, that directly and proximately caused Plaintiffs’ injuries.
13. The mounting credible evidence showing that SARS-CoV-2 had escaped from WIV was initially denigrated as a baseless conspiracy theory through the concerted, intentional actions of the Defendants.
14. Today, much of the scientific community accepts the “lab leak” theory origin of SARS-CoV-2.

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<sup>2</sup> See, e.g., **Error! Main Document Only.** “An Analysis of the Origins of the COVID-19 Pandemic, Interim Report”, October, 2022 Senate Committee on Health Education, Labor and Pensions, Minority Oversight Staff: [https://www.help.senate.gov/imo/media/doc/report\\_an\\_analysis\\_of\\_the\\_origins\\_of\\_covid-19\\_102722.pdf](https://www.help.senate.gov/imo/media/doc/report_an_analysis_of_the_origins_of_covid-19_102722.pdf)

15. An October, 2022, Interim Report issued by the US Senate Minority Oversight Staff the report concluded it was now “more likely than not” that the Covid-19 pandemic was “the result of a research-related incident.”<sup>3</sup> See Exhibit “13” to Compl.: The U.S. Senate Minority Interim Report “*An Analysis of the Origins of the Covid-10 Pandemic*,” Senate Committee on Health Education, Labor and Pensions Minority Oversight Staff, October 2022.
16. Plaintiffs allege the above-mentioned “research-related incident” was the caused by Defendants’ illegal acts at the WIV, and directly and proximately caused Plaintiffs’ injuries.
17. Defendants **GOF** SARS-CoV-2 virus was designed and created at WIV, made possible through the research, development, and funding support by the named Defendants, acting individually and in concert.
18. Each Plaintiff, or the Decedent they represent, named herein, was exposed to SARS-CoV-2 and suffered injuries and/or death.
19. SARS-CoV-2 is an abnormally dangerous, genetically manipulated coronavirus that was financed, designed, manufactured and released into the environment by the Defendants through their carelessness and reckless subcontracting to WIV, directly and proximately causing Plaintiffs’ injuries.

## II. CPLR ARTICLE 16

20. If it is deemed by this Court that Article 16 of the CPLR applies to this action, the Plaintiffs assert this action falls within one or more of the exceptions set forth in CPLR § 1602

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<sup>3</sup> **Error! Main Document Only.** “An Analysis of the Origins of the COVID-19 Pandemic, Interim Report”, October 2022 Senate Committee on Health Education, Labor and Pensions, Minority Oversight Staff: [https://www.help.senate.gov/imo/media/doc/report\\_an\\_analysis\\_of\\_the\\_origins\\_of\\_covid-19\\_102722.pdf](https://www.help.senate.gov/imo/media/doc/report_an_analysis_of_the_origins_of_covid-19_102722.pdf), at 26.

including, but not limited to, the exception for cases where a person is held liable for causing the claimant's injury by having acted with reckless disregard for the safety of others [CPLR § 1602(7)]; the exception for cases involving any person held liable for causing claimant's injury by having unlawfully released into the environment a substance ultra-hazardous to public health, safety or the environment [CPLR § 1602(9)]; the exception for any parties found to have acted knowingly or intentionally and in concert to cause the acts or failures upon which liability is based [CPLR § 1602(11)]; the exception based upon Defendants' non-delegable duty to warn of the health hazards of genetically manipulated viruses [CPLR § 1602(2)(iv)]; and the exception for persons held liable in a product liability action where the manufacturer of the product is not a party to the action and jurisdiction over the manufacturer could not with due diligence be obtained [CPLR § 1602(10)].

### III. PARTIES

#### A. PLAINTIFFS

*1. Kathleen McKinniss, on behalf of the Estate of Rosemarie McKinniss, Deceased*

21. Plaintiff Kathleen McKinniss ("Plaintiff McKinniss") is a resident of Worthington, Ohio, County of Franklin, and is the surviving daughter and former caregiver of Rosemarie McKinniss, a decedent who was killed as a result of the SARS-CoV-2 virus.
22. Rosemarie McKinniss was infected with SARS-CoV-2 while in a nursing home in Franklin County, Ohio, and died from exposure to SARS-CoV-2 on April 24, 2020 at the age of 85.
23. Plaintiff Kathleen McKinniss is pending an appointment as the personal representative of the Estate of Rosemarie McKinniss by the State of Ohio.

24. Plaintiff Kathleen McKinniss brings this action on her own behalf, on behalf of the Estate of Rosemarie McKinniss, and on behalf of all heirs of Rosemarie McKinniss, in their own right and in their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

**2. *Carin Rosado***

25. Plaintiff Carin Rosado (“Plaintiff Rosado”) is a resident of Rocky Point, New York, County of Suffolk, and suffered injuries alleged in this Complaint as a direct and proximate result of the Defendants’ individual, and collective, unlawful and tortious conduct.
26. Plaintiff Rosado was a front-line worker with the NYC Fire Department (FDNY) as an emergency medical technician (EMT) and deemed to be an essential worker required to work during the early stages of Covid 19, when its consequences were then unknown.
27. Plaintiff Rosado brings this action on her own behalf to recover damages personal to her.

**3. *Geraldine Finn, on behalf of the Estate of James Finn, Deceased***

28. Plaintiff Geraldine Finn (“Plaintiff Finn”) resides in New York, County of Rockland, and is the surviving spouse of Decedent James Finn, who died at Montefiore Nyack Hospital on April 18, 2021, at the age of 90 as a result of the exposure to SARS-CoV-2 virus as a direct and proximate result of Defendants’ unlawful and tortious conduct.
29. Plaintiff Finn was appointed the Executor of the Estate James Finn.
30. Plaintiff Finn brings this action on her own behalf, on behalf of the Estate of James Finn, and on behalf of all heirs of James Finn, and in their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified Amended Complaint.

**4. *David Caddoo, on behalf of Estate of Patricia Marie Caddoo, Deceased***

31. Plaintiff David Caddoo (“Plaintiff Caddoo”) is a resident of Lewisville, Texas, and the son of Patricia Marie Caddoo, a decedent who was killed as a result of the SARS-CoV-2 virus at the age of 85.
32. Patricia Marie Caddoo died at a nursing home in Lewisville, Texas, on December 9, 2020, as a result of exposure to SARS CoV-2 and as a direct and proximate result of Defendants’ unlawful and tortious conduct.
33. The Estate of Patricia Marie Caddoo is being administered in Denton County, Texas. Plaintiff Caddoo brings this action on his own behalf, on behalf of the Estate of Patricia Marie Caddoo, and on behalf of all heirs of Patricia Marie Caddoo in their own right and in their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

**5. *Melanie Smith, on behalf of Estate of Robert Sendzischew, Deceased***

34. Plaintiff Melanie Smith (“Plaintiff Smith”) resides in Valley Village, California, and is the surviving wife of Robert Sendzischew, and the Executrix of the Estate of Robert Sendzischew, who died at the age of 48 at a long-term rehabilitation facility named Five Towns Premier Rehabilitation and Nursing Center in Nassau, New York on December 13, 2021, as a result of exposure to SARS CoV-2 and as a direct and proximate result of Defendants’ unlawful and tortious conduct.
35. Plaintiff Smith is pending an appointment as the personal representative of the Estate of Robert Sendzischew being administered in Nassau County, New York.
36. Plaintiff Smith brings this action on her own behalf and on behalf of the Estate of Robert Sendzischew and on behalf of all heirs of Robert Sendzischew in their own right and in

their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

***6. Kimberly J. Lewis, on behalf of Estate of Robert F. Lewis, Deceased***

37. Plaintiff Kimberly J. Lewis (“Plaintiff Lewis”) resides in Alden, New York, and is the surviving wife of Robert F. Lewis, who was hospitalized on December 28, 2021 as a result of COVID 19 at Mercy Hospital in Buffalo, New York, and died at the age of 60 on January 15, 2022 as a result of exposure to SARS CoV-2 and as a direct and proximate result of Defendants’ unlawful and tortious conduct.
38. Plaintiff Lewis is pending an appointment as the personal representative of the Estate of Robert F. Lewis being administered in Erie County, New York, and brings this action on her own behalf and on behalf of the Estate of Robert F. Lewis and on behalf of all heirs of Robert Lewis in their own right and in their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

***7. Lisa Peter, on Behalf of the Estate of Patricia A. Chislett, Deceased***

39. Plaintiff Lisa Peter (“Plaintiff Peter”) is a resident of East Aurora, New York and the daughter of Patricia A. Chislett, who was hospitalized as a result of COVID 19 at Sisters of Charity Hospital in Buffalo, New York, on November 24, 2021 and died on December 18, 2021, at the age of 75, as a result of exposure to SARS CoV-2 and as a direct and proximate result of Defendants’ unlawful and tortious conduct.
40. Plaintiff Peter is pending an appointment as the personal representative of the Estate of Patricia A. Chislett, being administered in Erie County, New York.
41. Plaintiff Peter brings this action on her own behalf and on behalf of the Estate of Patricia A. Chislett and on behalf of all heirs of Patricia A. Chislett in their own right and in their

capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

**8. *Roxanne Jones, on behalf of the Estate of Dale Jones, Deceased***

42. Plaintiff Roxanne Jones (“Plaintiff Jones”) is a resident of Cheektowaga, New York and the surviving spouse of Dale Jones, who was hospitalized as a result of COVID 19 at Mercy Hospital in South Buffalo, New York, on July 30, 2021 and died on September 2, 2021, at the age of 62, as a result of exposure to SARS CoV-2 and as a direct and proximate result of Defendants’ unlawful and tortious conduct.
43. Plaintiff Jones is pending an appointment as the personal representative of the Estate of Dale Jones being administered in Erie County, New York.
44. Plaintiff Jones brings this action on her own behalf and on behalf of the Estate of Dale Jones and on behalf of all heirs of Dale Jones in their own right and in their capacities as beneficiaries of the Wrongful Death, Survival, and other claims pled in this Verified First Amended Complaint.

**B. DEFENDANTS**

**1. *Defendant EcoHealth Alliance***

45. Defendant ECOHEALTH ALLIANCE, Inc. (“Defendant EcoHealth”) is a 501 (c)(3), non-governmental organization, with a street address of 520 8th Avenue, Ste. 1200, New York, NY 10018, registered in New York State as a foreign not-for-profit corporation, and is authorized to transact business in New York State as a “global environmental health nonprofit corporation.” Its principal place of business is in the City of New York, County of New York.

46. Upon information and belief, Defendant EcoHealth, formerly “Wildlife Trust,” was initially organized under the laws of the Commonwealth of Massachusetts on or about July 20, 2000, and registered by Application for Authority with the State of New York, as a foreign corporation filed with the Department of State on or about July 27, 2000.
47. Defendant EcoHealth, through the above-captioned Defendants, and named and unnamed co-conspirators, has engaged in the oversight, direction, control, funding, research and development, and manufacture of the genetically modified coronavirus, a.k.a., SARS-CoV-2 virus using **GOF** and other techniques, with full knowledge of its abnormally dangerous propensities and lethality, directly and proximately causing Plaintiffs’ damages from the release of their lab-made, ultra-hazardous SARS-CoV-2 virus into the environment.
48. Defendant EcoHealth expected or should have expected their acts to have consequences within each of the States and Territories of the United States.

**2. Defendant Peter Daszak**

49. Defendant PETER DASZAK is the President of Defendant EcoHealth, transacts business in the State of New York, resides in Suffern, New York, County of Rockland, and owns real property there. Pursuant to CPLR § 503(c), venue in Rockland County is appropriate.
50. Upon information and belief, Defendant Peter Daszak holds a doctorate in infectious diseases awarded in the United Kingdom.
51. Defendant Peter Daszak receives a salary for his work and is not subject to the protections of Not-for-Profit Corporations Law § 720-a and the pleading requirements of CPLR § 3016(h).



52. At all times relevant, Defendant Daszak, individually, and acting in concert with the other above-captioned Defendants, known and unknown co-conspirators, engaged in the oversight, direction, control, funding, research, development and creation of the genetically modified coronavirus using **GOF** and other techniques, resulting in the SARS-CoV-2 global pandemic, directly and proximately causing Plaintiffs' injuries and Decedents' deaths.
53. At all times relevant, Defendant Daszak engaged in a cover-up with the other named Defendant co-conspirators to conceal the origins of SARS-CoV-2, to mislead the public and health officials as to the origin of SARS-CoV-2, and the lethality, virulence and transmissibility of the ultra-hazardous lab-made virus released by Defendant Daszak into the environment.
54. Defendant Peter Daszak expected or should have expected his acts to have consequences within each of the States and Territories of the United States.

**3. Defendant Janet D. Cottingham-Daszak**

55. Defendant JANET D. COTTINGHAM, also known as JANET DASZAK, ("Cottingham- Daszak") is an immunologist, and the wife of Defendant Peter Daszak.
56. Defendant Cottingham-Daszak was and is providing input, advice and service to Defendant EcoHealth, that transacts business in the State of New York with her co-defendant husband PETER DASZAK, both of whom reside in Suffern, New York, County of Rockland, where they own real property. Pursuant to CPLR § 503(c), venue in Rockland County is appropriate.
57. Upon information and belief, Defendant Cottingham-Daszak works along with Daszak to aid and abet his goals, including the cover up of the cause and origin of the SARS-CoV-2

- virus and the COVID-19 pandemic, while handsomely profiting economically and in professional reputational respect, etc.
58. Upon information and belief, by, amongst other things, Defendant Cottingham provided input, advice and support to Eco Health and Daszak, by aiding in seeking and securing the subject federal research grants, performing research, monitoring grant applications, monitoring receipt and expenditure of funds, and improperly monitoring and supervising grant activities and compliance.
59. Upon information and belief, Defendant Cottingham aided and abetted Daszak and EcoHealth Alliance's acts and omissions in securing grants under false pretenses; in creating, making, engineering and altering coronaviruses, including SARS-CoV-2; in making and covering up falsehoods and fraud; in failing to maintain proper biosafety and biosecurity with respect to their subject coronavirus experimentation; in failing to comply with grant restrictions, limitations, terms, and conditions; in failing to properly monitor and supervise the Wuhan Lab concerning the subject coronavirus experimentation; in failing to safeguard and secure SARS-CoV-2, and, inter alia, in causing and originating the COVID-19 pandemic.
60. At all times relevant, Defendant Cottingham-Daszak, along with her husband Peter Daszak and Eco Health Alliance engaged in a cover-up of the origins of SARS-CoV-2 to mislead the public and health officials, as to her alleged role in the origin of SARS-CoV-2, and the lethality, virulence and transmissibility of the ultra-hazardous lab-made virus released into the environment by Defendants.
61. Defendant Cottingham-Daszak expected or should have expected her acts to have consequences within each of the States and Territories of the United States.

#### 4. *Defendant Ralph Baric*

62. Defendant RALPH BARIC (“Baric”) is a Professor in the Department of Epidemiology and the Department of Microbiology and Immunology at the University of North Carolina, Chapel Hill, North Carolina.
63. At all times relevant, Defendant Baric, individually and acting in concert with the other above-captioned Defendants, and now unknown co-conspirators, engaged in the oversight, direction, control, research, development and creation of the genetically modified coronavirus, resulting in the SARS-CoV-2 global pandemic and Plaintiffs’ and their Decedents’ injuries and/or deaths.<sup>4</sup>
64. Defendant Baric expected or should have expected his acts to have consequences within each of the States and Territories of the United States.

#### 5. *Defendant Walter Ian Lipkin*

65. Defendant WALTER IAN LIPKIN (“Lipkin”) is the John Snow Professor of Epidemiology at the Mailman School of Public Health at Columbia University, with his principal place of employment and business in the State of New York. He lives and works in the State of New York.
66. Defendant Lipkin was listed as a member of EcoHealth’s advisory board from 2012 to 2014.
67. Defendant Lipkin has co-authored at least 15 scientific papers with Defendant Daszak between 2010 and 2020:

(a) “Identification of GBV-D, a novel GB-like flavivirus from old world frugivorous bats (*Pteropus giganteus*) in Bangladesh.”

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<sup>4</sup> **Error! Main Document Only.** “The Origins of COVID-19: An Investigation of The Wuhan Institute of Virology,” August, 2021 Report of House Foreign Affairs Committee Report Minority Staff: <https://gop-foreignaffairs.house.gov/wp-content/uploads/2021/08/ORIGINS-OF-COVID-19-REPORT.pdf> (accessed 12/30/2022).

- (b) “Zoonotic viruses associated with illegally imported wildlife products.”
  - (c) “The search for meaning in virus discovery.”
  - (d) “Prediction and prevention of the next pandemic zoonosis.”
  - (e) “Ebola virus antibodies in fruit bats, Bangladesh.”
  - (f) “Bats are a major natural reservoir for hepaciviruses and pegiviruses.”
  - (g) “Identification of a novel cetacean polyomavirus from a common dolphin (*Delphinus delphis*) with Tracheobronchitis.”
  - (h) “A strategy to estimate unknown viral diversity in mammals.”
  - (i) “Middle East respiratory syndrome coronavirus in bats, Saudi Arabia.”
  - (j) “Middle East respiratory syndrome coronavirus infection in dromedary camels in Saudi Arabia.”
  - (k) “Middle East respiratory syndrome coronavirus quasi species that include homologues of human isolates revealed through whole-genome analysis and virus cultured from dromedary camels in Saudi Arabia.”
  - (l) “Reply to ‘Concerns about misinterpretation of recent scientific data implicating dromedary camels in epidemiology of Middle East respiratory syndrome (MERS)’”.
  - (m) “Non-random patterns in viral diversity.”
  - (n) “Viral Diversity, Prey Preference, and Bartonella Prevalence in *Desmodus rotundus* in Guatemala.”
  - (o) “Nipah virus dynamics in bats and implications for spillover to humans” (edited by Dr. Anthony Fauci).
68. In early 2020, certain media sources were reporting the conclusions of other specialists suggesting that WIV had created the coronavirus and it had escaped from that facility, either by accident or design.
69. In April of 2020, for his own interest and to assist the other named Defendants, Defendant Lipkin and several others published an article titled “The Proximal Origin of SARS-CoV-

2” in an effort to conceal his involvement in the creation SARS-CoV-2 to convince the public that the coronavirus had natural origins, stating in relevant part: “Although the evidence shows that SARSCoV-2 is not a purposefully manipulated virus, it is currently impossible to prove or disprove the other theories of its origin described here. However, since we observed all notable SARS-CoV-2 features, including the optimized RBD and polybasic cleavage site, in related coronaviruses in nature, we do not believe that any type of laboratory-based scenario is plausible.”<sup>5</sup>

70. At all times relevant, Defendant Lipkin engaged in a cover-up of the origins of SARS-CoV-2 to mislead the public and health officials as the origin of SARS-CoV-2, and the lethality, virulence and transmissibility of the lab-made virus released into the environment by Defendants.
71. Defendant Lipkin knew the origins of SARS-Cov-2 was manmade, and he later admitted to having knowledge that SARS-Cov-2 was manmade after publishing the misleading Proximal Origins to conceal the “lab leak” theory.
72. Defendant Lipkin expected or should have expected his acts to have consequences within each of the States and Territories of the United States.

**6. Unidentified Defendants John Does/Jane Does 1-1000**

73. Defendants JOHN DOES/JANE DOES 1-1000 are those persons, agents, employees, representatives, affiliates, subsidiaries, alter-egos, joint venturers, and/or other unnamed co-conspirators of the Defendants whose conduct described herein caused or contributed to the damages of Plaintiffs, all of whose names and legal identities are unknown to

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<sup>5</sup> **Error! Main Document Only.** Andersen, K.G., Rambaut, A., Lipkin, W.I. *et al.* The proximal origin of SARS-CoV-2. *Nat Med* 26, 450–452 (2020). <https://doi.org/10.1038/s41591-020-0820-9>

Plaintiffs at this time, but will be substituted by amendment when ascertained, individually and jointly.

74. Defendants Unknown Individuals, Businesses and/or Corporations 1-1000 are unknown entities whose conduct as described herein caused or contributed to the damages of Plaintiffs, all of whose names and legal identities are unknown to Plaintiffs at this time, but will be substituted by amendment when ascertained, individually and jointly.

#### **IV. JURISDICTION AND VENUE**

75. Pursuant to CPLR § 301, the Supreme Court of the State of New York may properly exercise jurisdiction over Defendants EcoHealth, Peter Daszak, Cottingham-Daszak, Lipkin, and any unknown John Doe/Jane Doe Defendants, given that at all relevant times they resided, were formed, and/or maintained the principal places of business within the State of New York.
76. Pursuant of CPLR § 302(a), the Supreme Court of the State of New York may properly exercise jurisdiction over any parties that may be a non-domiciliary of the State of New York given that at all relevant times, they committed dangerous and/or tortious acts within the State of New York; or alternatively they committed dangerous and/or tortious acts outside the State of New York, causing damages sustained by Plaintiffs within the State; and/or they regularly transact business within the state or contract anywhere to supply goods or services in the state; and/or they possess real property in New York State.
77. Defendants Peter Daszak and Cottingham-Daszak own, use and possess real property in New York State, and, upon information and belief, Defendant EcoHealth uses and possesses real property in New York State.

78. Defendants regularly solicited business, engaged in other persistent courses of conduct, derived substantial revenue from services rendered in the State of New York, derived substantial revenue from interstate commerce, derived substantial revenue from international commerce, and expect and/or should reasonably expect that their improper acts would have consequences in the State of New York.
79. Pursuant of CPLR §503 (a), venue is properly fixed in the Supreme Court, Rockland County as it is the County in where a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred and it is the domiciliary residence of Defendants Daszak and Cottingham-Daszak and Plaintiff Geraldine Finn.

## V. FACTUAL ALLEGATIONS

### A. Background on Gain of Function Research

80. The United States Government describes **GOF** as follows:

“Gain of function” refers to any modification of a biological agent that confers new or enhanced activity. Typically, researchers mutate or alter genes and examine the impact of these modifications on a particular property or trait of the organism. For example, some investigators can modify influenza viruses in ways that enhance pathogenicity and/or transmissibility in order to better understand the origins and nature of these traits at the molecular level, as well as their pathogenesis in susceptible hosts. Since influenza viruses constantly evolve in nature, these gain-of-function studies may help predict whether these viruses could evolve naturally over time to acquire these new or enhanced traits, and if so, how the viruses might affect hosts and the kinds of medical countermeasures that might be most effective. **Some gain-of-function studies may entail biosafety and biosecurity risks that require unique risk assessment and mitigation measures.**<sup>6</sup> (Emphasis added).

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<sup>6</sup> US Health and Human Services (HHS), Administration for Strategic Preparedness and Response (ASPR), November 2014 Report, *U.S. Government Gain-of-Function Deliberative Process and Research Funding Pause on Selected Gain-of-Function Research Involving Influenza, MERS, and SARS Viruses*, “Frequently Asked Questions.” <https://www.phe.gov/s3/dualuse/Documents/GOF-qanda.pdf>.

81. A chimera, or chimeric virus, is a virus that contains genetic material from two or more distinct viruses.
82. Chimeric viruses have been considered potential bioweapons with increased lethality that can result from combining pathogens in a lab. See Exhibit “14” to Compl., *Answering Crucial Questions About Sars-CoV-2*, authors Thomas Renz, attorney at law and Pamela A. Popper, *Make Americans Free Again*, dated September 12, 2022 at pg. 10, 41, 55.
83. **GOF** research is controversial due to the risk that a mutated virus might develop and/or be released, causing harm of immeasurable proportions. *Id.* at 8.

**B. The Scientific Community Knew GOF Research Was Abnormally Dangerous**

84. In 2012, Dutch scientist Ron Fouchier conducted **GOF** experiments designed to make a highly lethal avian influenza virus, H5N1, more transmissible. After several attempts, the team was successful. Live ferrets were used and H5N1 acquired mutations resulting from serial passage in ferrets. The result: lab created H5N1 was transmissible between mammals without requiring recombination in an intermediate host.
85. H5NI “gained” this “function” described above alarming Government Officials and Scientists, which led to the 2014 **GOF** moratorium that paused **GOF** research involving influenza, SARS, and MERS until a new regulatory framework could be developed. *Id.* at pg. 8.

**C. EcoHealth’s Background and Mission**

86. Defendant EcoHealth, formerly Wildlife Trust, is a nonprofit organization that at one time focused on wildlife conservation and matters like habitat loss, pollution, and environmental issues. In 2010, EcoHealth rebranded itself to focus on “global health,” and the relationships between ecosystems and animal and human health.”



87. EcoHealth purports to be “dedicated to protecting wildlife and public health from the emergence of disease.”<sup>7</sup> “Building on over 45+ years of groundbreaking science, EcoHealth Alliance is a global environmental health nonprofit organization dedicated to protecting wildlife and public health from the emergence of disease.”<sup>8</sup>
88. On its website, Defendant EcoHealth lists many partners, including the U.S. Centers for Disease Control and Prevention (“CDC”); the NIH; the New York City Department of Health; University of California, Davis; University of Pittsburgh, School of Public Health; Columbia University; Princeton University; Johns Hopkins, Bloomberg School of Public Health; and Johnson & Johnson, among others.
89. The Vice Chair of Defendant EcoHealth’s Board of Directors, Carlota Vollhardt, previously “held positions of increasing responsibility at Pfizer Inc. in global talent, organizational development, and knowledge management as part of the R&D, commercial and corporate divisions.”<sup>9</sup>
90. Starting in 2008, Defendant EcoHealth received funding specifically related to **GOF** research from two U.S. government sources: the U.S. Agency for International Development (“USAID”) through a 5-year program called “PREDICT,” and the National Institutes of Health (“NIH”).
91. Defendant EcoHealth also received grants from the National Institute of Allergy and Infectious Diseases (“NIAID”), including a \$3.7 million grant in 2014 entitled, “Understanding the Risk of Bat Coronavirus Emergence.”<sup>10,11</sup> The grant “proposed to

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<sup>7</sup> <https://www.ecohealthalliance.org/about> (accessed 12.16.22).

<sup>8</sup> *Id.* (accessed 12.16.22).

<sup>9</sup> <https://www.ecohealthalliance.org/2016/12/carlota-vollhardt-board-directors> (accessed 12.16.22); <https://www.ecohealthalliance.org/board-of-directors> (accessed 12.16.22).

<sup>10</sup> [https://www.usaspending.gov/award/ASST\\_NON\\_R01AI110964\\_7529](https://www.usaspending.gov/award/ASST_NON_R01AI110964_7529)

<sup>11</sup> <https://www.vanityfair.com/news/2022/03/the-virus-hunting-nonprofit-at-the-center-of-the-lab-leak-controversy> (accessed 12.16.22).

- screen wild and captive bats in China, analyze sequences in the laboratory to gauge the risk of bat viruses infecting humans, and build predictive models to examine future risk.”<sup>12</sup>
92. The USAID’s “PREDICT” was “[a]n epidemiological research grant program funded by the [USAID]. PREDICT provided funding for biological sampling aimed at virus identification and collection. The program provided grant funding to EcoHealth Alliance.”<sup>13</sup>
93. During an interview on December 19, 2019, Defendant Daszak stated that SARS likely originated from bats, which prompted researchers to find more SARS-related coronaviruses. Eventually, over one hundred were found.<sup>14</sup>
94. In the same interview, Defendant Daszak reported that some coronaviruses can “get into human cells in the lab,” and others can cause SARS disease in “humanized mouse models.” He warned that such coronaviruses are “untreatable with therapeutic monoclonals [antibodies] and you can’t vaccinate against them with a vaccine.”
95. Defendant Daszak claimed that his team’s goal was trying to find the next “spillover event” that could cause the next pandemic.
96. At the 29:54 mark of the video recording, Defendant Daszak is asked what can be done to deal with coronaviruses given that there are no therapeutics or vaccines for them.
97. Defendant Daszak discusses that the goal of his **GOF** (gain-of-function) research was to develop a universal vaccine that could be used for many different types of coronaviruses.

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<sup>12</sup> *Id.*

<sup>13</sup> **Error! Main Document Only.** “The Origins of COVID-19: An Investigation of The Wuhan Institute of Virology,” August 2021 Report of House Foreign Affairs Committee Report Minority Staff: <https://gop-foreignaffairs.house.gov/wp-content/uploads/2021/08/ORIGINS-OF-COVID-19-REPORT.pdf>

<sup>14</sup> Keoni Everington. WHO inspector caught on camera revealing coronavirus manipulation in Wuhan before pandemic. Taiwan News Jan 18, 2021. <https://www.taiwannews.com.tw/en/news/4104828> (accessed 12.16.2022).

98. Referring specifically to bat coronaviruses, Defendant Daszak said, “[y]ou can manipulate them in the lab pretty easily.” He then mentioned the most unique characteristic of SARS-CoV-2 (which had not yet been named at the time of this podcast), the spike protein, and stated “[s]pike protein drives a lot of what happens with the coronavirus, zoonotic risk.”
99. Defendant Daszak also talked about inserting the spike protein “into a backbone of another virus” and then doing “some work in the lab.”
100. Defendant Daszak further acknowledged collaboration with Defendant Baric: “and we work with Ralph Baric at UNC [University of North Carolina] to do this.”
101. Defendant Daszak also admitted the creation of chimeras in order to investigate vaccines: “Now, the logical progression for vaccines is, if you are going to develop a vaccine for SARS, people are going to use pandemic SARS, but let’s try to insert these other related diseases and get a better vaccine.”<sup>15</sup>
102. Defendant EcoHealth collaborated with a consortium of entities and named and unnamed co-conspirators to study SARS-related coronaviruses in humans. One of these entities was the subcontractor Wuhan Institute of Virology (“WIV”).<sup>16</sup>

**D. The Wuhan Institute of Virology (“WIV”)**

103. The WIV was founded in 1956 as the Wuhan Microbiology Laboratory and has operated under the administration of the Chinese Academy of Sciences since 1978.
104. The WIV hosts labs ranging from BSL-2 to BSL-4, which is the highest level of biosafety containment. According to HHS:

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<sup>15</sup> *Id.*

<sup>16</sup> *An Analysis of the Origins of the COVID-19 Pandemic, Interim Report*, October 2022 Senate Committee on Health Education, Labor and Pensions, Minority Oversight Staff: [https://www.help.senate.gov/imo/media/doc/report\\_an\\_analysis\\_of\\_the\\_origins\\_of\\_covid-19\\_102722.pdf](https://www.help.senate.gov/imo/media/doc/report_an_analysis_of_the_origins_of_covid-19_102722.pdf) at 15.

Biosafety Level 4 is required for work with dangerous and exotic agents that pose a high individual risk of aerosol-transmitted laboratory infections and life-threatening disease that is frequently fatal, for which there are no vaccines or treatments, or a related agent with unknown risk of transmission.

105. The Wuhan National Biosafety Laboratory (“WNBL”), along with WIV Headquarters, are two of the WIV’s campuses. WNBL’s BSL-4 space did not become operational until early 2018.
106. The WIV was a key collaborator of Defendant EcoHealth and received approximately \$600,000 in subawards from them.<sup>17</sup>
107. WIV and Defendant EcoHealth sought to collaborate on the Defense Advanced Research Projects Agency’s (“DARPA”) “Project DEFUSE” to “search for SARS-related coronaviruses with potential to bind to human ACE2 receptors and that have naturally-occurring furin cleavage sites in Yunnan Province, China.”
108. Defendant EcoHealth’s made a funding request to DARPA that was declined.

#### **1. Background and Purpose of WIV BSL-4 Labs**

109. BSL-4 labs are used for research with dangerous agents and substances.
110. The WIV BSL-4 lab at issue in this matter was developed by the People’s Republic of China (“PRC”) in partnership with France following the 2003 SARS pandemic.
111. Almost immediately after the project was undertaken, French officials expressed discomfort because it was suspected that the PRC had an ongoing biological warfare program, and the BSL-4 lab might be used for the purpose of developing biological weapons.

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<sup>17</sup> Eban, Katherine. ““This Shouldn’t Happen”: Inside the Virus-Hunting Nonprofit at the Center of the Lab-Leak Controversy.” *Vanity Fair*, 31 Mar. 2022, <https://www.vanityfair.com/news/2022/03/the-virus-hunting-nonprofit-at-the-center-of-the-lab-leak-controversy>.

112. To mitigate the concern of French Researchers, the parties agreed that all PRC/French research projects would be conducted under the supervision of French researchers on site at the lab, but this did not resolve the concerns.

**2. Shi Zheng-Li's Research and Collaboration with EcoHealth, Daszak, Baric, and DARPA**

113. The WIV is headed by Dr. Shi Zheng-Li, who is known as China's "Bat Woman" because she has spent a significant portion of her career collecting and studying bat viruses, ostensibly to facilitate the development of effective vaccines.<sup>18</sup>
114. Dr. Shi's colleagues include scientists and physicians who have close ties to both the political and military leadership of the PRC. An example is Guo Deyin, who has conducted research on AIDS and hepatitis vaccines, as well as genetic recombination methods.
115. Dr. Shi's lab at WIV is/was unencumbered by any **GOF** restrictions, and **GOF** continued at the WIV while the U.S. moratorium existed.
116. Dr. Shi and her colleagues researched how spike proteins in both natural and chimeric SARS-like viruses bind to the ACE2 receptors in the cells of humans, bats, and animals.<sup>19</sup>
117. In a 2010 paper, Dr. Shi and her colleagues reported the results of their research on angiotensin-converting enzyme II (ACE2) protein, which is a known SARS-CoV receptor.
118. Dr. Shi's group looked at ACE2 molecules from seven bat species and tested the interaction of the ACE2 receptor with the human SARS-CoV spike protein. They used HIV-based pseudo type and live SARS-CoV infection assays.

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<sup>18</sup> Qiu, Jane. "How China's 'Bat Woman' Hunted down Viruses from SARS to the New Coronavirus." *Scientific American*, Scientific American, 1 June 2020, <https://www.scientificamerican.com/article/how-chinas-bat-woman-hunted-down-viruses-from-sars-to-the-new-coronavirus1/>.

<sup>19</sup> See, e.g., Ren W, Qu X, Wendong L et al. "Difference in Receptor Usage between Severe Acute Respiratory Syndrome (SARS) Coronavirus and SARS-Like Coronavirus of Bat Origin." *J Virol* 2008 Feb;82(4):1899-1907.

119. Spike proteins are structures that allow coronaviruses to bind to the receptor sites on human cells.
120. The researchers found that the ACE2s of two bat species – *Myotis daubentoni* and *Rhinolophus sinicus* – were susceptible to SARS-CoV and might be candidates as the natural host of the SARS-CoV progenitor viruses.<sup>20</sup>
121. Dr. Shi was also a member of the research team that was involved in the controversial **GOF** research financed by the NIH and Defendant EcoHealth and conducted in partnership with a research team led by Defendant Baric at the University of North Carolina Chapel Hill.
122. In a paper published in 2015 in *Nature Medicine*, the research was characterized a chimeric virus with the spike protein SHC014 that was able to use multiple genes of the SARS receptor human angiotensin-converting enzyme II (ACE2) and “replicate efficiently in primary human airway cells and achieve in vitro titers equivalent to epidemic strains of SARS-Cov.”
123. In other words, this virus could infect humans and quickly replicate. The article specifically stated, “... we synthetically re-derived an infectious full-length SHC014 recombinant virus and demonstrate robust viral replication both *in vitro* and *in vivo*.<sup>21</sup>
124. The team also reported replication of the chimeric virus in the lungs of mice.
125. Most important, Defendants knew therapies typically used to treat SARS patients were found to be ineffective for treating the chimeric virus and vaccines did not prevent “infection with CoVs using the novel spike protein.”<sup>22</sup>

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<sup>20</sup> Hou Y, Peng C, Yu M et al. “Angiotensin-converting enzyme 2 (ACE2) proteins of different bat species confer variable susceptibility to SARS-CoV entry.” *Arch Virol* 2010 Oct;155(10):1563-1569.

<sup>21</sup> Menachery VD, Yount BL, Debbink K et al. “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence.” *Nat Med* 2015 Nov; 21:1508-1513.

<sup>22</sup> *Id.*

126. Dr. Shi further conducted research on a virus called “WIV1” with clones of spike proteins and then tested the creation in humanized mice. The viruses quickly replicated, and the mice showed signs of severe pathogenesis.
127. A peer-reviewed article reporting the results of this research listed Defendant Peter Daszak as a co-author.<sup>23</sup>
128. This work was especially risky as WIV1 was already known to be potentially dangerous to humans. Defendant Baric had made this clear in an article titled “SARS-Like WIV1-CoV Poised for Human Emergence.”<sup>24</sup>
129. Researchers at the WIV, in partnership and collaboration with U.S. scientists including Defendants EcoHealth, Daszak, Baric, and others, were conducting dangerous research on bat viruses, and admitted they were successful on at least one occasion in developing a virus that could infect humans and was resistant to treatment and/or prevention with vaccination.
130. In an e-mail to NIAID, Defendant Daszak listed several “Senior/Key Personnel” involved in his projects, including Defendant Baric and Dr. Shi Zhengli, along with several other scientists at WIV.<sup>25</sup>
131. According to the October 2022 Senate Interim Report:

WIV researchers and their collaborators undertook large scale virus collection expeditions to Southern China and Southeast Asia, where bats naturally harbor SARS-related viruses, on an annual basis from 2004 onwards. During these expeditions, scientists collected bat blood, saliva, and urine samples. The WIV collected

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<sup>23</sup> Zeng LP, Gao YT, Ge XY et al. “Bat Severe Acute Respiratory Syndrome-Like Coronavirus WIV1 Encodes an Extra Accessory Protein, ORFX, Involved in Modulation of the Host Immune Response.” J Virol 2016 Jun;90(14):6573-6582.

<sup>24</sup> Menachery VD, Yount BL, Sims AC et al. “SARS-like WIV10CoV poised for human emergence.” PNAS 2016 Mar;113(11):3048-3053.

<sup>25</sup> See **Error! Main Document Only**.<https://theintercept.com/2021/11/03/coronavirus-research-ecohealth-nih-emails/>

more than 15,000 bat-related samples around the time the pandemic began. Of these, the WIV had identified more than 220 SARS-related coronaviruses, at least 100 of which have not been made public.

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By 2018, the WIV showed interest in finding SARS-related coronaviruses that used human ACE2 receptors to enter cells in order to determine whether SARS antibodies would effectively neutralize those viruses. This research effort is described in a March 2018 grant proposal submitted to the Defense Advanced Research Projects Agency (DARPA) by a consortium of research entities, including the WIV, led by the U.S.-based non-governmental organization EcoHealth Alliance. The group proposed to collect and conduct genetic recombination experiments on SARS-related coronaviruses possessing specific traits making them “high-risk” for zoonotic spillover into animals and humans.

### **3. Extensive Safety Concerns at WIV Were Well-Known in China and U.S.**

- 132. It is well-documented that WIV has a history of biosafety failures and problems.
- 133. In 2004, the WHO voiced concerns about laboratory security, particularly Chinese labs.
- 134. According to the WHO, a SARS outbreak in 2003 during research using both live and inactivated samples of SARS-CoV infected nine people, one of whom died. This was the third outbreak of SARS that had been traced to a lab, and the WHO indicated that a better containment policy might be necessary, as well as a reduction in the number of labs that handled SARS viruses.<sup>26, 27</sup>

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<sup>26</sup> Parry J. “Breaches of safety regulations are probable cause of recent SARS outbreak, WHO says.” BMJ 2004 May;328(7450):1222.

<sup>27</sup> The Origins of the COVID-19 Global Pandemic, Including the Roles of the Chinese Communist Party and the World Health Organization. House Foreign Affairs Committee Minority Staff Interim Report. <https://gop-foreignaffairs.house.gov/wp-content/uploads/2020/08/Interim-Minority-Report-on-the-Origins-of-the-COVID-19-Global-Pandemic-Including-the-Roles-of-the-CCP-and-WHO-8.17.20.pdf> (accessed 12.16.2022).



135. Approximately two (2) years before the release of SARS-CoV-2, U.S. Embassy officials visited the Wuhan Lab, and reported that safety in the lab was inadequate.
136. One U.S. Embassy official specifically warned about the lab's experiments on bat viruses and the potential for human transmission and the risk of a SARS pandemic, and this information was known, or should have been known, to Defendants' prior to subcontracting their *Gain of Function* research to the Wuhan Lab and Dr. Zheng-Li.<sup>28</sup>
137. A former employee at Defendant EcoHealth – Dr. Andrew Huff – informed Defendant Peter Daszak and other members of the EcoHealth executive team of “biosafety and biosecurity risks in contract laboratories.”
138. According to Dr. Huff, “Daszak refused to mitigate the risks without any objection or discussion from the other executives. In my opinion, Daszak was dismissive of my concerns.” See Exhibit “3” to Compl., Andrew Huff Declaration dated September 14, 2022 at pg. 4 -5.
139. The U.S. Senate October 2022 Minority Interim Report “*An Analysis of the Origins of the Covid-10 Pandemic*” points out recent activity at the WIV suggesting evidence of biosafety failures:

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<sup>28</sup> [https://scholar.harvard.edu/files/kleelerner/files/20200414\\_wapo\\_-\\_state\\_department\\_cables\\_warned\\_of\\_safety\\_issues\\_at\\_wuhan\\_lab\\_studying\\_bat\\_coronaviruses\\_-\\_the\\_washington\\_post.pdf](https://scholar.harvard.edu/files/kleelerner/files/20200414_wapo_-_state_department_cables_warned_of_safety_issues_at_wuhan_lab_studying_bat_coronaviruses_-_the_washington_post.pdf)

**b. Evidence of Biosafety Failures at the WIV**

WIV patents and procurements suggest that the WIV experienced persistent biosafety problems relevant to the containment of an aerosolized respiratory virus like SARS-CoV-2.

- April 24, 2019: Auxiliary exhaust patent
- August 14, 2019: Environmental air disinfection system procurement
- September 16, 2019: Central air conditioning
- November 19, 2019: Sole source procurement for air incinerator
- December 11, 2019: Biocontainment transfer cabinet HEPA filter failure patent
- November 13, 2020: Disinfectant formulation patent

See Exhibit “13” to Compl.: The U.S. Senate Minority Interim Report “*An Analysis of the Origins of the Covid-10 Pandemic*,” Senate Committee on Health Education, Labor and Pensions Minority Oversight Staff, October 2022 at pg.17 - 19.

140. Sir Jeremy Farrar, head of the Wellcome Trust, privately condemned the “Wild West” research being done at WIV.<sup>29</sup>
141. A tweet by Alina Chan, Scientific Advisor at the Broad Institute of MIT and Harvard, and co-author of VIRAL: the search for the origin of Covid-19, stated “[i]t’s clear from the emails that the leaders of funding agencies that had funded the Wuhan Institute of Virology were concerned that risky SARS-like virus work had been performed at low biosafety levels in Wuhan. Farrar described it as the ‘Wild West’. [sic]”<sup>30</sup>

<sup>29</sup> <https://www.dailymail.co.uk/news/article-11465573/Top-British-scientist-privately-condemned-Wild-West-research-carried-Wuhan.html> (accessed 12.1.2022).

<sup>30</sup> <https://twitter.com/Ayjchan/status/1595401489337417728> (accessed 12.1.2022)

**From:** Jeremy Farrar  
**Sent:** Tue, 4 Feb 2020 20:26:23 +0000  
**To:** Collins, Francis (NIH/OD) [E]; Fauci, Anthony (NIH/NIAID) [E]  
**Subject:** Re: Prevalence of infection and stage of the epidemic in Wuhan

Wild West.....

**From:** Francis Collins (b) (6)  
**Date:** Tuesday, 4 February 2020 at 20:23  
**To:** Jeremy Farrar (b) (6), "Fauci, Anthony (NIH/NIAID) [E]"  
 (b) (6)  
**Subject:** RE: Prevalence of infection and stage of the epidemic in Wuhan

Surely that wouldn't be done in a BSL-2 lab?

**From:** Jeremy Farrar (b) (6)  
**Sent:** Tuesday, February 4, 2020 9:03 AM  
**To:** Fauci, Anthony (NIH/NIAID) [E] <(b) (6)> Collins, Francis (NIH/OD) [E]  
 <(b) (6)>  
**Subject:** Re: Prevalence of infection and stage of the epidemic in Wuhan

Exactly!

**From:** "Fauci, Anthony (NIH/NIAID) [E]" (b) (6)>  
**Date:** Tuesday, 4 February 2020 at 13:18  
**To:** Francis Collins (b) (6), Jeremy Farrar (b) (6)  
**Subject:** RE: Prevalence of infection and stage of the epidemic in Wuhan

?? Serial passage in ACE2-transgenic mice

### 3. Other U.S. Collaborators

142. James LeDuc, Director of the Galveston National Laboratory ("GNL") at the University of Texas, frequently collaborated with Defendants and co-conspirators at the WIV and elsewhere on risky GOF research. See Exhibit "8" to Compl.: Galveston emails\invitation November 2, 2017.
143. A November 2, 2017, e-mail shows that the U.S. National Academy of Sciences (NAS) and GNL hosted a "meeting of U.S. and Chinese experts working to counter infectious disease and improve global health."

144. Upon information and belief, Defendant Baric received the invitation to meeting the above-mentioned meeting and attended.

**E. The United States Funded GOF and other Risky Research with Grants to EcoHealth**

145. Beginning in 2008, EcoHealth received funding from two U.S. government sources related to **GOF** research.

146. First, the U.S. Agency for International Development (USAID) funded a five-year program called PREDICT.

147. In addition, the NIH and NIAID funded research related to “Understanding the Risk of Bat Coronavirus Emergence.” See Exhibit “14” to Compl. at 17 -18.

148. Between 2002 and 2021, EcoHealth received approximately \$16,874,314 in grant money from NIH/NIAID to research **GOF**. *Id.* Some of the grants awarded are listed herein:

- number 5R01AI079231-05, Risk of Viral Emergence from Bats (\$518,980).<sup>31</sup> 2008 NIH/NIAID Project number 1R01AI079231-01, Risk of Viral Emergence from Bats (\$534,989). *Id.*
- 2009 NIH/NIAID Project number 5R01AI079231-02, Risk of Viral Emergence from Bats (\$535,156). *Id.*
- 2010 NIH/NIAID Project number 5R01AI079231-03, Risk of Viral Emergence from Bats (\$480,423). *Id.*
- 2011 NIH/NIAID Project number 5R01AI079231-04, Risk of Viral Emergence from Bats (\$510,005). *Id.*
- 2012 NIH/NIAID Project. *Id.*

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<sup>31</sup> *Id.* (citing source).

149. According to a press release dated November 21, 2014, Defendant EcoHealth announced their participation in the second phase of the PREDICT project which would develop initiatives to help prepare the world for emerging infectious diseases like pandemic influenza, SARS, and Ebola. See Exhibit “3” to Compl., at 6.
150. Defendant EcoHealth, in the same announcement, confirmed it was partnering in this project with the University of California-Davis, Metabiota, Smithsonian Institution, Wildlife Conservation Society, Columbia University, Boston Children’s Hospital, International Society for Infectious Disease, and University of California – San Francisco.<sup>32</sup>
151. As a result, EcoHealth and its co-conspirators’ **GOF** research led to the creation and release of the ultra-hazardous SARS-CoV-2 virus, causing a worldwide pandemic, as alleged herein, which was the direct and proximate cause of Plaintiffs’ injuries.

**F. EcoHealth and Co-Defendants Conspired with WIV Researchers to Continue GOF and Other Risky Coronavirus Research Before the COVID-19 Pandemic Began**

152. During the relevant time, Defendants EcoHealth, Peter Daszak, and Baric regularly conspired with WIV to conduct risky research on viruses, including coronaviruses.
153. Defendant EcoHealth provided funding to the WIV to conduct dangerous **GOF** research prior to the COVID-19 pandemic. While the NIH informed Defendant EcoHealth that the NIH was “pursuing suspension of Wuhan Institute of Virology from participation in federal programs[,]” the damage had been done.

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<sup>32</sup> USAID Announces Second Phase of Predict Project with Global Partners. Nov. 24, 2014. <https://www.ecohealthalliance.org/2014/11/usa-id-announces-second-phase-of-predict-project-with-global-partners>

154. Scientists at WIV and their collaborators, including Defendants EcoHealth, Peter Daszak, and Baric, had conducted the risky research in unsafe environments, which led to the COVID-19 pandemic.
155. The House Committee investigating the origins of COVID-19 described Defendant Peter Daszak as the “CEO of EcoHealth Alliance as a longtime collaborator of [WIV bat virus researcher Dr.] Shi [Zheng-Li] and others at the WIV. The Committee described Defendant Baric as a “[r]esearcher at the University of North Carolina at Chapel Hill who **has** collaborated with Shi and other WIV researchers on coronavirus research.”
156. The House Committee described Dr. Shi Zheng-Li of WIV as a “Senior scientist” that “[s]erves as Director, Research Center for Emerging Infectious Diseases; Director, Chinese Academy of Sciences Key Laboratory of Special Pathogens; Director, Biosafety Working Committee; and Deputy Director of the Wuhan National Biosafety Laboratory’s Biosafety-Level 4 lab.”<sup>33</sup>
157. Defendants Peter Daszak and Baric regularly collaborated with “Bat Woman” Shi Zhengli on research related to SARS-like coronaviruses between 2004 and 2017.
158. At all times relevant hereto, and in furtherance of its conspiracy, Defendant EcoHealth funneled to the WIV sub-grants and other U.S. taxpayer funds awarded to it by NIH in violation of specific safety conditions of the prime contract awarded to EcoHealth.
159. The above-described sub- grants were used for **GOF** research enabled by Defendant EcoHealth after receiving an NIH “exemption” from a 2014 moratorium restriction placed on **GOF** funding and research.

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<sup>33</sup> *Id.*

160. Defendant EcoHealth provided direct funding and resources to perform **GOF** research to WIV researcher Dr. Zheng-Li, consequently violating the terms of the grant funding for which the exemption to the **GOF** Moratorium was obtained, specifically, prohibiting outsourcing of **GOF** research by EcoHealth to the Wuhan Lab and Dr. Zheng-Li.
161. In 2010, the WIV bat virus researcher Dr. Shi Zheng-Li, in partnership with Defendant Peter Daszak and EcoHealth, conducted research on a virus called “WIV1” with clones of spike proteins and then tested the creation in humanized mice.
162. Upon exposure to the virus, the mice showed signs of severe pathogenesis. All of the Defendants knew or should have known that WIV1 was potentially dangerous to humans.<sup>34</sup>
163. In its 2014 NIH Notice of Award grant to EcoHealth, Dr. Zheng-Li and the Wuhan Lab were listed by Peter Daszak as one of the collaborating institutions that were specifically allocated funds for “subcontract/consortium activity with the Wuhan Institute of Virology” and were engaged in **GOF** research.<sup>35</sup>
164. In the 2014 NIH Notice in the “accomplishments” section of the Award, Defendant Peter Daszak reported that EcoHealth had collected 121 bat fecal samples in Laos to test for viruses by Dr. Zheng-Li.
165. The viruses collected from the aforementioned bat fecal samples were genetically manipulated by Defendant EcoHealth and their co-conspirators through **GOF** mechanisms, creating a lab-made, SARS-CoV-2 virus that causes Covid-19. SARS-CoV-2 is transmitted

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<sup>34</sup> Menachery, V. D., Yount Jr, B. L., Sims, A. C., Debbink, K., Agnihothram, S. S., Gralinski, L. E., ... & Baric, R. S. (2016). SARS-like WIV1-CoV poised for human emergence. *Proceedings of the National Academy of Sciences*, 113(11), 3048-3053.

<sup>35</sup> Notice of Award. Grant Number 1R01AI110964-01

<https://www.nih.gov/sites/default/files/institutes/foia/20211214-foia-log-2021.pdf>

from person to person predominantly through droplets and/or aerosols and has directly and proximately caused Plaintiffs' injuries.<sup>36</sup>

166. Dr. Zheng-Li at the Wuhan Lab, working in partnership with Defendants EcoHealth, Peter Daszak, and Ralph Baric, was successful in developing a dangerous, genetically modified coronavirus SARS-CoV-2 that could jump species, and could infect humans, and seemed to be resistant to treatment and prevention with vaccines.<sup>37</sup>

## **G. Moratorium on GOF Research**

### **1. Background**

167. In announcing the **GOF** Moratorium in 2014, the government stated:
168. Gain-of-function studies, or research that improves the ability of a pathogen to cause disease, help define the fundamental nature of human-pathogen interactions, thereby enabling assessment of the pandemic potential of emerging infectious agents, informing public health and preparedness efforts, and furthering medical countermeasure development.
169. Gain-of-function studies may entail biosafety and biosecurity risks; therefore, the risks and benefits of gain-of function research must be evaluated, both in the context of recent U.S. biosafety incidents and to keep pace with new technological developments, in order to determine which types of studies should go forward and under what conditions:

“In light of recent concerns regarding biosafety and biosecurity, effective immediately, the U.S. Government (USG) will pause new USG funding for gain-of-function research on influenza, MERS or SARS viruses, as defined below. This research funding pause will be effective until a robust and broad deliberative process is completed that results in the adoption of

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<sup>36</sup> <https://www.who.int/news-room/questions-and-answers/item/coronavirus-disease-covid-19-how-is-it-transmitted>

<sup>37</sup> Menachery, V. D., Yount, B. L., Debbink, K., Agnihothram, S., Gralinski, L. E., Plante, J. A., ... & Baric, R. S. (2015). A SARS-like cluster of circulating bat coronaviruses show potential for human emergence. *Nature medicine*, 21(12), 1508-1513



a new USG gain-of-function research policy 1. Restrictions on new funding will apply as follows:

‘New USG funding will not be released for gain-of-function research projects that may be reasonably anticipated to confer attributes to influenza, MERS, or SARS viruses such that the virus would have enhanced pathogenicity and/or transmissibility in mammals via the respiratory route. The research funding pause would not apply to characterization or testing of naturally occurring influenza, MERS, and SARS viruses, unless the tests are reasonably anticipated to increase transmissibility and/or pathogenicity.’

In parallel, we will encourage the currently funded USG and non-USG funded research community to join in adopting a voluntary pause on research that meets the stated definition.” See Exhibit “14” to Compl. at 9 -10. fn. 4.”

170. Elsewhere, the government explained:

**Why is the U.S. government<sup>1</sup> [sic] pausing the funding of certain types of gain-of-function studies at this time?**

The occurrence this year of laboratory biosafety incidents at U.S. government research facilities have caused the federal government to re-assess the risk/benefit calculus underpinning funding decisions for a certain subset of gain-of-function research involving agents that pose a significant risk to public and animal health. The pause will allow the U.S. government, in partnership with the life sciences community, to conduct a comprehensive assessment of gain-of-function research with the explicit goal of developing a new policy framework to guide future funding decisions.<sup>38</sup>

171. It should have been clear to Defendants – that **GOF** research is extremely risky, and abnormally dangerous and posed a significant risk to Plaintiffs.
172. Defendant Baric, who was at the time conducting **GOF** research in partnership with Dr. Shi Zhengli of WIV, petitioned the NIH biosecurity board for an exemption from the pause on **GOF** research. It was subsequently granted.

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<sup>38</sup> See <https://www.phe.gov/s3/dualuse/Documents/GOF-qanda.pdf> (accessed 12.19.22)

173. At all relevant times, Defendants knew or should have known that **GOF** research is extremely risky and abnormally dangerous.
174. Defendants and their co-conspirators were aware that in October 2014, the NIH stated that the moratorium on **GOF** research “will be effective until a robust and broad deliberative process is completed that results in the adoption of a new US Government gain-of-function research policy” and understood that NIH “suspend[ed] funding for **GOF** studies involving influenza, MERS-CoV, and SARS-CoV.”<sup>39</sup>
175. On February 23, 2016, the New York Academy of Medicine hosted an event entitled, “Where Will The Next Pandemic Come From?”<sup>40</sup> Defendant Peter Daszak was a member of the panel at this event.
176. At the above-mentioned event Defendant Daszak presciently explained exactly how the Covid-19 pandemic would come about less than four years later: “We found other coronaviruses in bats, a whole host of them; some of them looked very similar to SARS. So we sequenced the spike protein, the protein that attaches to cells; then we – I didn’t do this work, my colleagues in China did this work – you create pseudo-particles, you insert the spike proteins from those viruses, see if they bind to human cells, each step of this you move closer and closer to this virus [ ...] could really become pathogenic in people.”<sup>41</sup>
177. Defendant Daszak’s statement (admitting “we” did this work) demonstrates his and co-Defendant EcoHealth’s culpability in working to develop and unleash the ultrahazardous SARS-CoV-2 that caused Plaintiffs’ injuries.

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<sup>39</sup> Burki, Talha: *Ban on gain-of-function studies ends*, *The Lancet, Infectious Diseases* (Vol. 18, Issue 2, P. 148-49, Feb. 1, 2018). [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(18\)30006-9/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(18)30006-9/fulltext) (accessed 12.19.22).

<sup>40</sup> <https://www.nyam.org/events/event/where-will-next-pandemic-come/> (accessed 12.19.2022)

<sup>41</sup> Daszak C-SPAN video (See <https://twitter.com/i/status/1463673517501816840>) (accessed 12/19/2022).

178. Nonetheless, Defendant EcoHealth, collaborating with co-conspirators, facilitated and was responsible for the **GOF** research that resulted in the creation and release of SARS-CoV-2 at the WIV that caused Plaintiffs' injuries.
179. Defendant EcoHealth had knowledge of the potential risks involved in such research but proceeded anyway.
180. Defendants EcoHealth, Peter Daszak, and Baric and other name and unnamed defendants collaborated with Shi and others at WIV to collect, identify, genetically modify, and manufacture the novel coronaviruses adversely effecting the human immune systems.

## 2. Moratorium on GOF Research Ends in 2017

181. In December of 2017, federal policy changed to permit federal funding of **GOF** research following the **GOF** Moratorium.
182. The original **GOF** framework established in 2017 required that any federal funding sought for **GOF** research be subject to enhanced oversight given the "biosafety and biosecurity risks associated with undertaking such research."<sup>42</sup>
183. Pursuant to the guidelines, a "Potential Pandemic Pathogen" ["PPP"] is "likely highly transmissible and likely capable of wide and uncontrollable spread in human populations" and "likely highly virulent and likely to cause significant morbidity and/or mortality in humans."<sup>43</sup>
184. Moreover, "[a]n enhanced PPP is defined as a PPP resulting from the enhancement of the transmissibility and/or virulence of a pathogen.

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<sup>42</sup> <https://www.phe.gov/s3/dualuse/Documents/p3co.pdf>

<sup>43</sup> *Id.*

185. Enhanced PPPs do not include naturally occurring pathogens that are circulating in or have been recovered from nature, regardless of their pandemic potential.”<sup>44</sup>
186. Given the risks associated with enhanced PPP, the guidelines require that proposed **GOF** research that may be funded by a federal agency be subjected to additional review by the Department of Health and Human Services.<sup>45</sup>
187. SARS-CoV-2 is an enhanced PPP because it is an alleged, lab creation with enhanced transmissibility and virulence.

#### **H. EcoHealth/DARPA DEFUSE Project**

188. After the moratorium on **GOF** research was lifted in 2017, on January 19, 2018, DARPA issued a “Broad Agency Announcement” publishing a funding opportunity entitled “Preventing Emerging Pathogenic Threats” (PREEMPT).<sup>46</sup>

DARPA is soliciting innovative proposals for research to develop new tools and models to quantify the likelihood of a virus to jump from an animal host into humans, and to develop and validate new scalable technologies to target potential human-capable viral pathogens in wild reservoirs and/or mosquito vectors to prevent transmission to humans.<sup>47</sup>

DARPA made the following statement regarding **GOF** research:

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> <https://drasticresearch.files.wordpress.com/2021/09/prempt-background-hr001118s0017.pdf>

<sup>47</sup> *Id.* at 4.

#### 1.4. PROTECTION OF SENSITIVE INFORMATION

PREEMPT is a 6.1 fundamental research program aimed at enhanced biosurveillance and novel approaches to preempt viral pathogens in animal reservoirs from jumping into human populations. DARPA follows current DoD policy for contracted fundamental research. DARPA recognizes, however, that PREEMPT program components aimed at understanding and quantifying mechanisms for viral zoonotic spillover could potentially generate sensitive information that could be misused. Since this is a fundamental research program, the risk of misuse currently cannot be reasonably evaluated. However, proposers are notified that during proposal evaluation and/or program performance, when such a risk reasonably can be evaluated, DARPA may determine that risk of misuse creates exceptional circumstances, compelling reasons, and/or national security reasons under current DoD policy for contracted fundamental research. DARPA therefore expects that proposers to this program understand and will comply with various government guidance regarding potential gain-of-function research of concern (GOFROC)<sup>8</sup> and dual use research of concern (DURC)<sup>9,10,11,12,13</sup>. See <https://www.phe.gov/s3/dualuse/Pages/default.aspx> for further information.

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<sup>8</sup> Gain-of-Function Research (GOFROC) refers to studies with the potential to generate pathogens with pandemic potential exhibiting high transmissibility and high virulence.

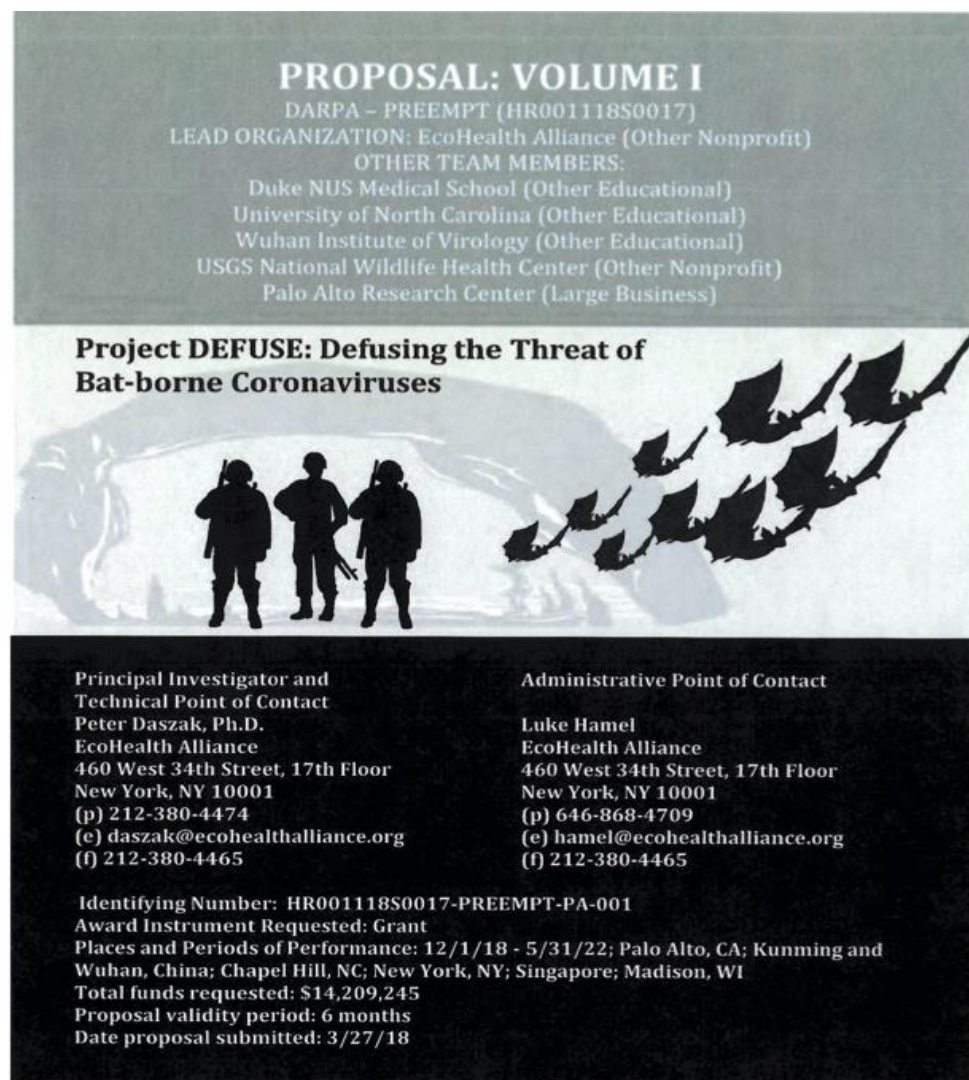
189. Defendants EcoHealth and Peter Daszak subsequently applied for a \$14,209,245 grant from the DARPA PREEMPT Committee in late March 2018.<sup>48</sup>
190. Defendants EcoHealth and Daszak, in conjunction with Defendant Baric, and other co-conspirators, sought to use this money for “Project Defuse: Defusing the Threat of Bat-Borne Coronaviruses.”<sup>49</sup>
191. Defendants proposed to make infectious clones with chimeric spike genes and SARS coronaviruses with Furin cleavage sites at WIV.
192. On the title page of the Project Defuse Proposal, the “LEAD ORGANIZATION” was listed as “EcoHealth Alliance (Other Nonprofit)” while “OTHER TEAM MEMBERS” included Duke NUS Medical School (Other Educational), University of North Carolina (Other

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<sup>48</sup> <https://drasticresearch.files.wordpress.com/2021/09/main-document-preempt-volume-1-no-ess-hr00118s0017-ecohealth-alliance.pdf> at 2.

<sup>49</sup> *Id.*

Educational), Wuhan Institute of Virology (Other Educational), USGS National Wildlife Health Center (Other Nonprofit), and Palo Alto Research Center (Large Business).”



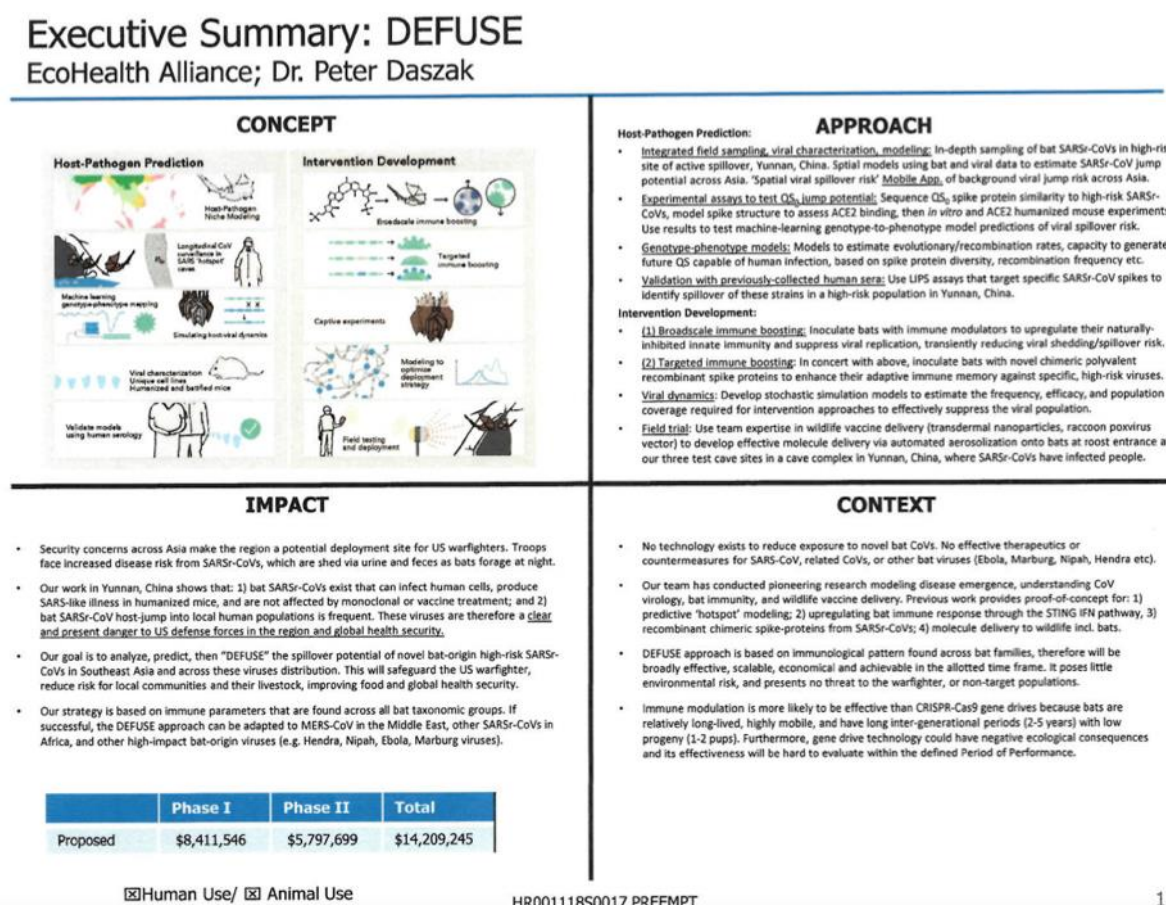
193. The “Project Defuse” proposal explains in detail how Defendants ultimately caused the COVID-19 pandemic. “In **TA1 [Technical Area 1]** we will intensively sample bats at our field sites where we have identified high spillover risk SARSr-CoVs. We will sequence their spike proteins, reverse engineer them to conduct binding assays, and insert them into



bat SARSr-CoV (WIV1, SHC014) backbones... to infect humanized mice and assess capacity to cause SARS-like disease.”<sup>50</sup>

194. Defendants would then evaluate two approaches to reduce SARSr-CoV shedding in cave bats via “Broadscale immune boosting” and “Targeted immune boosting” where they would “inoculate bats with novel chimeric polyvalent recombinant spike proteins plus the immune modulator to enhance innate immunity against specific, high-risk viruses.”<sup>51</sup>

195. The “Executive Summary” for Project Defuse was encapsulated in the following chart:



<sup>50</sup> <https://drasticresearch.files.wordpress.com/2021/09/main-document-preempt-volume-1-no-ess-hr001118s0017-ecohealth-alliance.pdf> at 3.

<sup>51</sup> *Id.*

196. Defendant EcoHealth was the “lead organization” behind the Project Defuse proposal, and would “oversee all work[,]” with “subcontract[ing] to the following organizations:

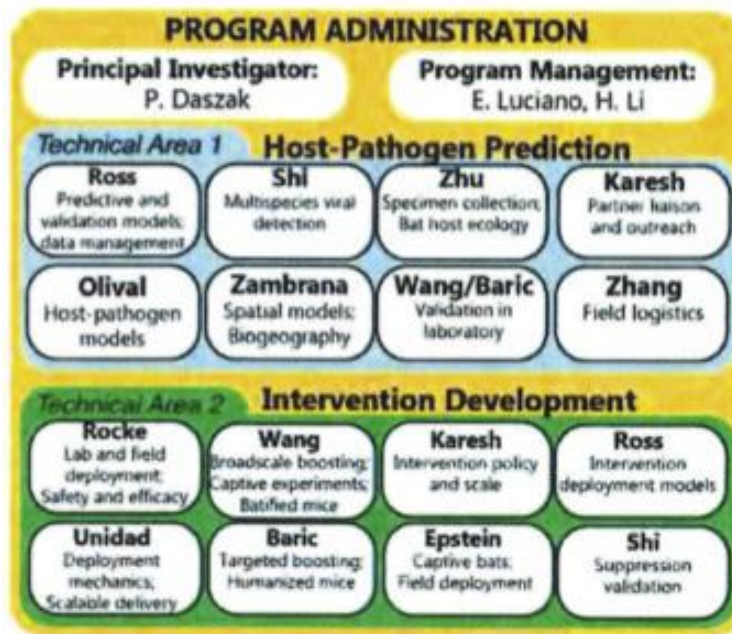
- [Defendant] Prof. [Ralph] Baric, Univ. N. Carolina, will lead targeted immune boosting work, building on his two-decade track record of reverse-engineering CoV and other virus spike proteins.
- Prof. [Linfa] Wang, Duke-Natl. Univ. Singapore, will lead work on broadscale immune boosting, building on his group’s pioneering work on bat immunity.
- Dr. Shi [Zhengli], Wuhan Institute of Virology will conduct viral testing on all collected samples, binding assays and some humanized mouse work.
- Dr. [Tonie] Rocke, USGS National Wildlife Health Center will optimize delivery of immune modulating biologicals, building on her vaccine delivery work in wildlife, including bats.
- Dr. [Jerome] Unidad, Palo Alto Research Center will lead development of novel delivery automated aerosolization mechanism for immune boosting molecules.<sup>52</sup>

The “Program Administration” as supplied by Defendants in their proposal was as follows:

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<sup>52</sup> <https://drasticresearch.files.wordpress.com/2021/09/main-document-preempt-volume-1-no-ess-hr00118s0017-ecohealth-alliance.pdf> at 3.





197. Regarding some of the names in the chart, above, Defendants noted that “Dr. Karesh has 40+ years’ experience leading zoonotic and wildlife disease projects... Dr. Epstein, with 20 years’ experience working emerging bat zoonoses will coordinate animal trials across partners. Drs. Olival and Ross will manage modeling approaches for this project.” In addition, Defendants acknowledged that Defendant EcoHealth “has worked extensively with other collaborators: Prof. Wang (15+ yrs); Dr. Shi [Zhengli] (15+ yrs; [Defendant] Prof. Baric (5+ yrs) and Dr. Roche (15+ yrs).”<sup>53</sup>
198. Defendants claimed in their Project Defuse proposal that viruses identified in China had produced SARS-like disease in humanized mice, which do not respond to antibody treatment or vaccination, and argued “[t]hese viruses are a clear and present danger to our military and to global health security because of their circulation and evolution in bats and periodic spillover into humans.”<sup>54</sup> Defendant EcoHealth further touted that it “leads the

<sup>53</sup> *Id.*, Defuse Proposal at 22. See also “Biographies” at page 24 of the Proposal.

<sup>54</sup> *Id.* Defuse Proposal at 2 (emphasis in original).

- world in predictive models of viral emergence[ ]” and would use their expertise to minimize hazards.<sup>55</sup>
199. Defendants explained their strategy in detail, including “using data from >10,000 previously collected bat samples from 6 Asian countries under our USAID-funded PREDICT project.”<sup>56</sup> Continuing: “[t]he Univ. N. Carolina (UNC) team will reverse-engineer spike proteins of a large sample of high- and low-risk viruses for further characterization... [t]hese QS<sub>0</sub> strain viral spike glycoproteins will be synthesized, and those binding to human cell receptor ACE2 will be inserted into SARSr-CoV backbones (non-DURC, non-GOF), and inoculated into humanized mice to assess capacity to cause SARS-like disease... or vaccines against SARS-CoV.”<sup>57</sup> Continuing, Defendants stated: “[w]e will test these previously collected human sera (n>2000) for presence of antibodies to the high- and low-risk SARSr-CoVs identified by our modeling, using Luciferase immunoprecipitation system (LIPS) assays we design against the SARSr-CoVs identified in this project.”<sup>58</sup>
200. In explaining “Technical Area 2,” Defendants highlight their plans to use CRISPR technology at Duke-NUS and their plans to develop recombinant chimeric spike proteins at UNC.<sup>59</sup>
201. The chimeric spike proteins would contain a Furin cleavage site.

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<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at PDF Pg. 5.

<sup>57</sup> *Id.* at PDF Pg. 5 (grant proposal at 3).

<sup>58</sup> *Id.* (internal citation omitted).

<sup>59</sup> *Id.* at PDF Pg. 6

202. Defendants – recognizing the extreme risks of their proposed project, highlighted the fact that their “team has more than 50 years collective experience in safe and humane handling of bats for biological sampling.”<sup>60</sup>
203. Defendants and their co-conspirators proposed to make new, chimeric coronaviruses at WIV, by swapping spike proteins with infectious clones from related viruses, inserting Furin cleavage sites: “we will introduce appropriate human specific cleavage sites and evaluate growth potential in Vero cells and HAE [Human Airway Epithelial] cultures.”<sup>61</sup>
204. The Furin cleavage site allows a virus to bind more efficiently, and to release genetic material into human cells, allowing for easier viral transmission between humans.
205. The researchers funded by EcoHealth would then test the altered viruses in human respiratory cells and humanized mice at WIV. (“*In vivo*, we will evaluate pathogenesis in transgenic hACE2 mice.”).<sup>62</sup> In the words of one researcher: “Find, engineer, and evolve human-infectious viruses capable of causing a pandemic...”<sup>63</sup>
206. In the “Capabilities” section of its Defuse proposal, Defendants describe a few of their partner labs, including:
- **“University of North Carolina Medical School (UNC).** The Baric Laboratory in University of North Carolina at Chapel Hill comprise biosafety level two facilities equipped to perform basic virology, immunology, and molecular biology as well as university space for breeding mice for the proposed studies. The Baric BSL-3

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<sup>60</sup> *Id.* at PDF Pg. 10.

<sup>61</sup> *Id.* at PDF Pg. 13. *See also* Exhibit “13” – Senate Minority Interim Report October 2022 at 15 (“[I]f WIV researchers were unable to find a SARS-related virus with these traits ... they then proposed to manipulate the ACE2 receptors of SARS-related coronaviruses to increase binding affinity to human lung tissue and to insert furin cleavage sites at the same location where one appears in SARS-CoV-2.”). Notably, DARPA did not ultimately fund this proposal. *Id.*

<sup>62</sup> *Id.* at PDF Pg. 13 (proposal Pg. 11).

<sup>63</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (last accessed 11.21.22).

laboratories are approved and have the required equipment to perform all of the chimeric virus recovery and characterization and ventilated rodent caging to examine the bat coronaviruses within this proposal.”

- **“Wuhan Institute of Virology:** includes BSL3, BSL-3, and BSL-4 laboratories, animal feeding rooms and other supporting facilities. The Biosafety Laboratory will carry out CoV research, sample testing, sequencing, binding assays, *in vitro* and *in vivo* work.”<sup>64</sup>

207. In Section II, Part J of their Defuse proposal, Defendants laid out their “PREEMPT RISK MITIGATION PLAN” where they listed **“Risks: Personnel safety, biosafety, mitigation of risks to public health and animal safety.”**<sup>65</sup> Defendants further stated:

#### Section II

#### J. PREEMPT RISK MITIGATION PLAN

##### **Risks: Personnel safety, biosafety, mitigation of risks to public health and animal safety**

**Animal Use & safety:** All work with wild bats will be conducted in China by EcoHealth Alliance staff and Wuhan Institute of Virology. Capture and sampling techniques have been previously approved by Tufts University School of Veterinary Medicine IACUC under our NIH NIAID award (Daszak, PI). Experimental work using bats and or transgenic mice will be conducted at the BSL-3 lab in WIV, Duke-NUS, UNC, or NWHC. Each partner institute will apply for and procure animal research approval from its respective IACUC. All animal work conducted by EcoHealth Alliance in China will be overseen by both the IACUC at WIV and the IACUC at Tufts. Each partner institute will be responsible for ensuring the training and safety of its laboratory personnel, which will be documented by EcoHealth Alliance, and each partner has extensive experience and a record of safety with the techniques and procedures for lab animal experiments described in this protocol. **Field safety:** Free-ranging bats will be captured using either a mist

208. Notably, Defendants planned to conduct experimental work using bats and transgenic mice in less than BSL-4 labs, while acknowledging that “[e]ach partner institute would be responsible for ensuring the training and safety of its laboratory personnel[.]”<sup>66</sup>

<sup>64</sup> *Id.*, Proposal at 25.

<sup>65</sup> <https://drasticresearch.files.wordpress.com/2021/09/main-document-preempt-volume-1-no-ess-hr00118s0017-ecohealth-alliance.pdf> at Pg. 35 of PDF, Pg. 33 of Proposal.

<sup>66</sup> *Id.*

209. The subsection “*Risks to general public*” was apparently cut short at the bottom of page 33 of the Defuse proposal. The text as written states: “The proposed work has minimal risk to the general public, as sampling will be done near the cave sites and not in populous areas. Our team has extensive experience...”
210. A “Summary of Proposed Costs” for Project Defuse details exactly how Defendants and their co-conspirators planned to carry out their research experiments that ultimately led to the COVID-19 pandemic.<sup>67</sup> This document also shows that substantial travel between the United States and Wuhan was planned.<sup>68</sup>
211. DARPA ultimately turned down the Defendants’ “Project Defuse” proposal.<sup>69,70</sup>
212. In the “PM Summary Sheet” rejecting Defendants’ request for funding, PM James Gimlett, Ph.D., Program Manager, Biological Technologies Office gives the following reasons:

[L]ack of detail regarding data, statistical analyses and model development and how prior work will be leveraged and extended. Proposal also lacks clear decision points to assess the deployment and how prior work will be leveraged and extended. Proposal also lacks clear decision points to assess the deployment and validation of TA2 preemption methods in the wild. Regulatory ELSI issues are not discussed. Variability of vaccine dose due to variability in delivery mechanisms is also not discussed. In addition, there is concern that vaccine approaches may lack sufficient epitope coverage to effectively protect against the diverse and evolving quasispecies of the many coronaviruses found in the bat caves.

Notably, Dr. Gimlett pointed out that Defendants:

[Did] not mention or assess **potential risks of Gain of Function (GOF) research** and DURC [dual use research of concern]. **Given the team’s approach does potentially involve GOF/DURC research** (they aim to synthesize spike glycoproteins that may bind to human cell receptors and insert them into SARSr-CoV backbones to assess capacity to cause SARS-like disease), if selected for

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<sup>67</sup> <https://drasticresearch.files.wordpress.com/2021/09/wiv-budget-packet-hr001118s0017-ecohealth-alliance-defuse.pdf>

<sup>68</sup> *Id.*

<sup>69</sup> See Exhibit “14” to Compl., (*Answering Crucial Questions...*) at 19-20 (citing sources).

<sup>70</sup> <https://drasticresearch.files.wordpress.com/2021/09/hr001118s017-preempt-fp-019-pm-summary-selectable-not-recommended.pdf>

funding an appropriate DURC risk mitigation plan should be incorporated into contracting language that includes a responsible communications plan.

213. As such, Defendants were unambiguously put on notice that their proposed research involved dangerous **GOF** experiments that must be addressed if they were to proceed.
214. Nevertheless, Defendants' Defuse proposal shows a clear aspiration to create SARS coronaviruses not yet found in nature.
215. Rutgers University Chemistry and Chemical Biology Board of Governors Professor Richard Ebright explained, "SARS-CoV-2 ... is the only virus in its entire genus of SARS-related coronaviruses that contains a fully functional cleavage site at the S1, S2 junction. And here is a proposal from the beginning of 2018, proposing explicitly to engineer that sequence at that position in chimeric lab-generated coronaviruses."<sup>71</sup>
216. Scientist Alex Washburne notes that "SARS-CoV-2 has a Furin cleavage site (FCS), **and it is the only SARS coronavirus with one.**"<sup>72</sup> He continues:

Prior to SARS-CoV-2, we had discovered as many Furin cleavage sites in SARS coronaviruses as we had discovered winged primates or flying penguins: zero. Other mammals have wings (bats) and other birds fly, but the lineages of interest don't. Similarly, despite extensive wildlife sampling, SARS coronaviruses were not known to have Furin cleavage sites. The exact FCS of SARS-CoV-2 is not found in any other coronavirus and in fact it contains specific RNA sequences - CGG CGG - that are almost nonexistent in bats but are optimized for humans. Not only are FCS's nonexistent in other SARS coronaviruses, but this specific FCS is particularly anomalous in its optimization for humans. From an evolutionary standpoint, the FCS is a massive anomaly in nature, yet it is exactly what was proposed in the DEFUSE grant.

Recall the language of the DEFUSE grant:

*"... we will introduce appropriate human specific cleavage sites and*

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<sup>71</sup> Sharon Lerner, Maia Hibbet. Leaked Grant Proposal Details High Risk Coronavirus Research. The Intercept Sept 23, 2021, <https://theintercept.com/2021/09/23/coronavirus-research-grant-darpa/> (accessed 9.10.2022).

<sup>72</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (accessed 12.1.2022) (emphasis added).

*evaluate growth potential in Vero and HAE (Human Airway Epithelial) cell cultures.'*

The evolutionary anomaly of the FCS must be impressed upon the lay reader, so I'll repeat it here. The FCS of SARS-CoV-2 is the first FCS of any SARS coronavirus. It is an uncommonly human-specific cleavage site for what's otherwise a lineage of bat coronaviruses. The SARS-CoV-2 FCS has not one but two CGG codons appropriate for humans and it mimics a particular protein (ENaC) found in humans.

217. Elsewhere, Washburne observed:

The motives and intentions to create such a virus did not die with the rejection of DEFUSE. While not funded by DARPA, similar research proposals were funded by NIAID and others prior to and during the emergence of SARS-CoV-2, and may easily have provided enough discretionary funding to support the inexpensive research proposed in DEFUSE. **The DEFUSE grant is the letter proposing the crime: catch wild bat coronaviruses, send them to Wuhan, assemble infectious clones *in vitro* with a specific method, swap Spike genes and add Furin cleavage sites**, all to find an extremely human-infectious coronavirus against which we could produce vaccines.<sup>73</sup>

#### **I. NIH Funded EcoHealth's Research Despite DARPA Grant Proposal Rejection, Leading to the Creation of SARS-CoV-2**

218. NIH funded research on SARS viruses, including but not limited to **GOF** research such as the 2014 \$3.7 million grant entitled, "Understanding the Risk of Bat Coronavirus Emergence."<sup>74</sup> This included various "sub-awards" to WIV and the Wuhan University School of Public Health.<sup>75</sup>

<sup>73</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (last accessed 11.21.22).

<sup>74</sup> [https://www.usaspending.gov/award/ASST\\_NON\\_R01AI110964\\_7529](https://www.usaspending.gov/award/ASST_NON_R01AI110964_7529) (accessed 12.2.2022); <https://reporter.nih.gov/search/xQW6UJmWfUuOV01ntGvLwQ/project-details/9491676> ("Understanding the Risk of Bat Coronavirus Emergence") (accessed 12.2.2022).

<sup>75</sup> *Id.*

## Award History



Transaction History 12

Sub-Awards 7

Federal Account Funding 6

Total Count of Sub-Award  
Transactions: 7Total Amount of Sub-Awards:  
\$799,717Percent of Prime Award Obligated  
Amount: 21.3%

Sub-Award ID	Recipient Name	Action Date	Amount
1R01AI110964-01	WUHAN UNIVERSITY SCHOOL OF PUBLIC HEALTH	05/31/2017	\$159,342
1R01AI110964-01	WUHAN UNIVERSITY SCHOOL OF PUBLIC HEALTH	05/31/2016	\$41,875
1R01AI110964-01	WUHAN INSTITUTE OF VIROLOGY CHINESE ACADEMY OF SCIENCES CAP...	05/31/2019	\$66,500
1R01AI110964-01	WUHAN INSTITUTE OF VIROLOGY CHINESE ACADEMY OF SCIENCES CAP...	05/31/2017	\$133,000
1R01AI110964-01	WUHAN INSTITUTE OF VIROLOGY CHINESE ACADEMY OF SCIENCES CAP...	05/31/2018	\$133,000
1R01AI110964-01	WUHAN INSTITUTE OF VIROLOGY CHINESE ACADEMY OF SCIENCES CAP...	05/29/2015	\$133,000
1R01AI110964-01	WUHAN INSTITUTE OF VIROLOGY CHINESE ACADEMY OF SCIENCES CAP...	05/31/2016	\$133,000

NIH suspended the grant in July 2020.<sup>76</sup>

219. As noted by Washburne, *supra*, the DARPA rejection did not deter the Defendants' quest to research bat coronaviruses using **GOF** and/or other dangerous research methods. Defendants EcoHealth and Peter Daszak applied for a grant from the NIH to do exactly that, and NIH awarded the requested grant to Defendants EcoHealth and Peter Daszak.<sup>77</sup> As scientist Alex Washburne explained in a blog post:<sup>78</sup>

The DEFUSE proposal was not accepted as DARPA saw major risks that the proposed recombinant viruses might gain functions like enhanced infectivity or lethality in humans. However, the grant reveals the clear desire of this group to conduct such research and the intention to make a very unusual set of SARS coronaviruses not found in nature. While their intentions were not funded by DARPA, the proposed research is relatively

<sup>76</sup> <https://www.vanityfair.com/news/2022/03/the-virus-hunting-nonprofit-at-the-center-of-the-lab-leak-controversy> ("But the work there had been controversial enough that the NIH suspended the grant in July 2020.") (accessed 12.2.2022).

<sup>77</sup> [https://reporter.nih.gov/search/sizVvtAps0O7\\_3-grB\\_8Bw/project-details/9819304](https://reporter.nih.gov/search/sizVvtAps0O7_3-grB_8Bw/project-details/9819304) (accessed 12.1.2022).

<sup>78</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (accessed 12.1.2022).



inexpensive and EcoHealth and the Wuhan Institute of Virology had funding from other sources that could finance their proposed work. Their alternative sources of funding include an NIAID biodefense grant proposing extremely similar S-gene chimeras made with infectious clones.<sup>79</sup> In fact, the NIAID grant was cited as a funding source in the construction of a novel infectious clone at the Wuhan Institute of Virology, rWIV1.<sup>80</sup> The DEFUSE grant proposed to make infectious clones with chimeric Spike genes, SARS coronaviruses with furin cleavage sites, all at the Wuhan Institute of Virology.

220. As laid out in detail in a June 10, 2021 letter from Congress’s Energy and Commerce Committee to Dr. Francis Collins, Defendant EcoHealth worked hand-in-glove with WIV using grant money from NIH to study bat coronaviruses, among other things, in Wuhan.<sup>81</sup>
221. Congress criticized NIH’s oversight of its grants to Defendant EcoHealth and subgrants to WIV, among other issues.
222. According to a more recent letter to the NIH, the agency still has not responded to the June 10, 2021 letter.<sup>82</sup> Exhibit “25”.
223. In a Senate hearing on November 4, 2021, Senator Rand Paul asked Dr. Anthony Fauci: “Will you today finally take some responsibility for funding **GOF** research in Wuhan?” Fauci responded by asserting that **GOF** is a “very nebulous term...” and would not admit that NIH funded **GOF** research according to the operative NIH definition.<sup>83</sup>
224. Many scientists believe this is untrue, and at the very least, Defendant EcoHealth was conducting risky research at WIV using NIH funds, which ultimately led to the SARS-CoV-2 lab leak.

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<sup>79</sup> See [https://reporter.nih.gov/search/sizVvtAps0O7\\_3-grB\\_8Bw/project-details/9819304](https://reporter.nih.gov/search/sizVvtAps0O7_3-grB_8Bw/project-details/9819304) (accessed 12.1.2022).

<sup>80</sup> See <https://pubmed.ncbi.nlm.nih.gov/27170748/> (accessed 12.1.2022).

<sup>81</sup> See Exhibit “25” June 10, 2021 Letter from Congress to Dr. Francis Collins

<sup>82</sup> See Exhibit “20”, November 30, 2022 Letter from Energy and Commerce Committee to Dr. Lawrence A. Tabak.

<sup>83</sup> <https://www.washingtonexaminer.com/policy/healthcare/rand-paul-accuses-fauci-of-trying-to-cover-your-ass-over-gain-of-function> (accessed 12.2.2022).

**J. Release of the Ultra-Hazardous SARS-CoV-2 Virus Into the Environment and Early Investigations Into Its Origin**

225. As alleged herein, there has been a coordinated effort to suppress any suggestion that SARS-CoV-2 was created in a lab and released on the global population.
226. It is unclear when exactly SARS-CoV-2 was released into the world.
227. The first official announcement from the government of the People's Republic of China ("PRC") concerning SARS-CoV-2 was issued on December 30, 2019, when the Wuhan Municipal Health Commission ("WMHC") reported that "cases of pneumonia of unknown cause" were linked to the Huanan Seafood Market.
228. The first official announcement would come to be known as the "natural origin" or "wet market" theory and is Defendant Peter Daszak and his co-conspirators' chief alibi.
229. The WMHC stated there was no evidence of "obvious human to human transmission and no infection among medical personnel." See Exhibit "14" to Compl. at 22.
230. Defendant Daszak's program officer at NIAID, Erik Stemmy, asked Daszak on January 7, 2020, what his China contacts were saying about "Wuhan pneumonia cases" and Daszak promised to tell him "off the record."<sup>84</sup>
231. Dr. Anthony Fauci's senior adviser, David Morens, asked Defendant Daszak on January 9, 2020 for "any inside info" on the new virus. Daszak responded that he had been "talking to reporters today" and would share with Morens as well.<sup>85</sup>
232. Before China or the WHO made an official statement on the nature of SARS-CoV-2, Defendant Baric in a January 13, 2020 email to Defendant Peter Daszak referred to the

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<sup>84</sup> <https://justthenews.com/government/federal-agencies/major-funder-wuhan-lab-told-faucis-agency-covid-would-end-20000-cases> (accessed 11.30.22).

<sup>85</sup> *Id.*

coronavirus as “*our* highly variable SARS-like COV!” See Exhibit “4” to Compl.: January 13, 2020 email exchange between Baric and Daszak; Source Goa Chronicle: re: “*Looks like we found our Highly Variable SARS-like COV: Ralph Baric to Peter Daszak*” by Savio Rodrigues<sup>86</sup>.

233. In mid-January 2020, virologist Robert Redfield – then director of the CDC – voiced concern to Dr. Anthony Fauci, Wellcome Trust Director Jeremy Farrar, and WHO Director-General Tedros Ghebreyesus that a lab accident occurred at WIV.<sup>87</sup> “Farrar noticed email chatter among credible scientists ‘suggesting the virus looked engineered to infect human cells’ in the last week of January, according to his memoir Spike.<sup>88</sup> Farrar obtained a “burner phone” and suggested they avoid discussing SARS-CoV-2 in e-mails.<sup>89</sup>
234. In a January 27, 2020 e-mail among NIH/NIAID members, Dr. Fauci is informed that NIH had been funding work on coronaviruses at WIV through EcoHealth Alliance.<sup>90</sup>

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<sup>86</sup> <https://goachronicle.com/looks-like-we-found-our-highly-variable-sars-like-cov-ralph-baric-to-peter-daszak>

<sup>87</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/#fauci-alerted>

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

**From:** Folkers, Greg (NIH/NIAID) [E]  
**To:** Routh, Jennifer (NIH/NIAID) [E]; Fauci, Anthony (NIH/NIAID) [E]  
**Cc:** Billet, Courtney (NIH/NIAID) [E]; Stover, Kathy (NIH/NIAID) [E]; Conrad, Patricia (NIH/NIAID) [E]; Marston, Hilary (NIH/NIAID) [E]; Lerner, Andrea (NIH/NIAID) [E]  
**Subject:** RE: For review (due to HHS for White House by 8:30 tonight): press conference talking points  
**Date:** Monday, January 27, 2020 6:24:59 PM  
**Attachments:** Talking Points for NIAID Director Dr. Fauci.docx

As a place folder looks good to me.

+ Andrea who is the lead on a CoV talk ASF is giving on Tuesday

Also --- when talking about CoV (not necessarily in this venue) we have on our team (Vincent and folks we fund, Peter Daszak, Ralph Baric, Ian Lipkin, etc.) probably the world's experts non-human coronaviruses.

From David M -- EcoHealth group (Peter Daszak et al), has for years been among the biggest players in coronavirus work, also in collaboration with Ralph Baric, Ian Lipkin and others.

NIAID has funded Peter's group for coronavirus work in China for the past 5 years through R01 1R01AI110964: "Understanding the Risk of Bat Coronavirus Emergence". That's now been renewed, with a specific focus to identify cohorts of people highly exposed to bats in China, and work out if they're getting sick from CoVs. Erik Stemmy is the Program Officer. Collaborators include Wuhan Institute of Virology (currently working on the nCoV), and Ralph Baric. The results of the work to date include:

- (b) (5)
- Discovered Swine Acute Diarrheal Syndrome Virus (SADS-CoV) killing >25,000 pigs in Guangdong Province (Published in *Nature*)
  - Found SARS-related CoVs that can bind to human cells (Published in *Nature*), and that cause SARS-like disease in humanized mouse models.

235. This e-mail makes clear that Defendants EcoHealth, Peter Daszak, and Ralph Baric were collaborating with WIV, via funding from NIAID, and “[f]ound SARS-related CoVs that can bind to human cells... and that cause SARS-like disease in humanized mouse models.”<sup>91</sup>

236. On January 29, 2020, Scripps Research virologist Kristian Andersen “became alarmed that a bat coronavirus may have been engineered to infect humans, pointing to the receptor binding domain and furin cleavage site.”<sup>92</sup> He further noted a **GOF** study that showed how

<sup>91</sup> *Id.*

<sup>92</sup> *Id.* (citing Farrar memoir, Spiked).

- to build the Wuhan coronavirus in a lab, according to Farrar.<sup>93</sup> “Andersen found a scientific paper where exactly this technique had been used to modify the spike protein of the original SARS-CoV-1 virus, the one that had caused the SARS outbreak of 2002/3... [t]he pair knew of a laboratory where researchers had been experimenting on coronaviruses for years: the Wuhan Institute of Virology, in the city at the heart of the outbreak.”<sup>94</sup>
237. Upon information and belief, Andersen informed University of Sydney virologist Edward Holmes about a concerning part of the SARS-CoV-2 genome: the furin cleavage site between the S1 and S2 junctions, with two restriction sites (BamHI) around it, which appeared to have reduced variation. In short, the furin cleavage site – a feature of SARS-CoV-2 that makes it unusually infectious – had features characteristic of genetic engineering.<sup>95</sup> “F\*ck, this is bad,” Holmes allegedly said.<sup>96</sup>
238. On January 30, 2020, the WHO designated SARS-CoV-2 a “Public Health Emergency of International Concern (PHEIC).” The WHO advised at that time that “further international exportation of cases may appear in any country.”<sup>97</sup>
239. The next day, January 31, 2020, HHS Secretary Alex Azar declared a public health emergency for the United States.<sup>98</sup>

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<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> [https://www.who.int/news/item/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-\(2019-ncov\)](https://www.who.int/news/item/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov)) (accessed 1.2 2023).

<sup>98</sup> <https://aspr.hhs.gov/legal/PHE/Pages/2019-nCoV.aspx> (accessed 1 2 2023).

240. That same day, Dr. Fauci received an email from Greg Folkers of the National Institutes of Health.<sup>99</sup> The email included no text, but an article published in *Science* was attached.<sup>100</sup>
241. This article reported that scientists were sharing and reviewing a growing number of genetic sequences of the virus obtained from infected patients. These had been posted in the Global Initiative on Sharing All Influenza Data database.<sup>101</sup>
242. The author of the above-mentioned article reported that there was some doubt as to whether the virus originated in the wet market, which was the story promoted by U.S. and Chinese authorities at the time.
243. The same author also reported in the article that many scientists had been expressing concerns for many years about experiments conducted at the Wuhan Institute and cited the gain-of-function research fully described in the above-mentioned article in *Nature Medicine* in 2015.<sup>102</sup>
244. The *Nature Medicine* article referenced above included a disclosure that the research was funded by the National Institute of Allergy and Infectious Diseases (NIAID), the division of the NIH headed by Fauci, along with the NIH and Defendant EcoHealth.
245. Further on January 31, 2020, Wellcome Trust's Jeremy Farrar requested a phone call with Dr. Fauci, in which he asked Fauci to call Andersen.
246. In the meantime, Fauci forwarded to Farrar and Andersen an article published in Science Magazine quoting Holmes, Andersen, and Rutgers Professor Richard Ebright concerning

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<sup>99</sup> <https://assets.documentcloud.org/documents/20793561/leopold-nih-foia-anthony-fauci-emails.pdf> p3229 (accessed 9.10.2022).

<sup>100</sup> Jon Cohen. Mining coronavirus genomes for clues to the outbreak's origins. *Science* Jan 31 2020. <https://www.science.org/content/article/mining-coronavirus-genomes-clues-outbreak-s-origins>

<sup>101</sup> <https://gisaid.org/database-features/flusurver-mutations-app> (accessed 1 2 2023).

<sup>102</sup> Menachery VD, Yount BL, Debbink K et al. "A SARS-like cluster of circulating bat coronaviruses shows great potential for human emergence." *Nature Medicine* 2015 Nov;21:1508-1513. <https://pubmed.ncbi.nlm.nih.gov/26552008/> (accessed 1.2.2023).

the origins of SARS-CoV-2. Fauci noted the article was “of interest to the current discussion.”<sup>103</sup>

247. At this point, Andersen was fairly convinced that SARS-CoV-2 was not of natural origin, noting to Fauci that he and other scientists “all find the genome inconsistent with expectations from evolutionary theory” and highlighting “[t]he unusual features of the virus...”<sup>104</sup>

**From:** Fauci, Anthony (NIH/NIAID) [E]  
**Sent:** Sat, 1 Feb 2020 18:43:31 +0000  
**To:** Kristian G. Andersen  
**Subject:** RE: FW: Science: Mining coronavirus genomes for clues to the outbreak's origins

Thanks, Kristian. Talk soon on the call.

**From:** Kristian G. Andersen (b) (6) >  
**Sent:** Friday, January 31, 2020 10:32 PM  
**To:** Fauci, Anthony (NIH/NIAID) [E] (b) (6)  
**Cc:** Jeremy Farrar (b) (6) >  
**Subject:** Re: FW: Science: Mining coronavirus genomes for clues to the outbreak's origins

Hi Tony,

Thanks for sharing. Yes, I saw this earlier today and both Eddie and myself are actually quoted in it. It's a great article, but the problem is that our phylogenetic analyses aren't able to answer whether the sequences are unusual at individual residues, except if they are completely off. On a phylogenetic tree the virus looks totally normal and the close clustering with bats suggest that bats serve as the reservoir. The unusual features of the virus make up a really small part of the genome (<0.1%) so one has to look really closely at all the sequences to see that some of the features (potentially) look engineered.

We have a good team lined up to look very critically at this, so we should know much more at the end of the weekend. I should mention that after discussions earlier today, Eddie, Bob, Mike, and myself all find the genome inconsistent with expectations from evolutionary theory. But we have to look at this much more closely and there are still further analyses to be done, so those opinions could still change.

Best,  
Kristian

248. Following his call with Andersen, Dr. Fauci sent the 2015 *Nature* paper by Defendant Baric and WIV's Shi Zhengli entitled “A SARS-like cluster of circulating bat coronaviruses

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<sup>103</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/>

<sup>104</sup> *Id.*



*shows potential for human emergence*” to a principal deputy director at NIAID, Hugh Auchinloss, with instructions: “You will have tasks today that must be done.” Fauci further said “[i]t is essential that we speak this AM. Keep your cell phone on.”<sup>105</sup> The file name attached to the e-mail included the words “SARS Gain of function.”

249. The *Nature Medicine* paper supra had shown that Defendant Baric, Shi, and colleagues had spliced the spike protein of one coronavirus into a SARS-CoV backbone, but that future experimentation with such viruses “may be too risky to pursue.”<sup>106</sup>
250. NIH had funded this study through a grant to Defendant EcoHealth. The NIH deputy director later responded to Fauci that the work was reviewed and approved by NIH but had not undergone the “P3 framework[.]”<sup>107</sup>
251. On February 1, 2020, Farrar set up a teleconference with Dr. Fauci and others, including Andersen, Bob Garry of Tulane University, German virologist Christian Drosten, Dutch virologist Ron Fouchier, Holmes, Dutch Virologist Marion Koopmans, Patrick Vallance – Chief Scientist UK, German virologist Stefan Pohlmann, Wellcome’s deputy chair and biochemist Mike Ferguson, and Wellcome’s Paul Schreier. “My preference is to keep this [a] really tight group... obviously ask everyone to keep in total confidence,” wrote Farrar.<sup>108</sup> CDC Director Robert Redfield was excluded from the meeting.<sup>109</sup>
252. Following the meeting, on information and belief, Holmes was “80 percent sure” SARS-CoV-2 originated in a lab, while Andersen was 60 to 70 percent sure. Andersen later told Farrar: “I was battling with the idea that, having raised the alarm, I might end up being the

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<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* The “P3 framework” is a reference to regulations put in place to regulate “pandemic potential pathogens” after a temporary pause on GOF research related to SARS viruses. *Id.*

<sup>108</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/#fauci-alerted>

<sup>109</sup> *Id.*



person who proved this new virus came from a lab... I didn't necessarily want to be that person."<sup>110</sup>

253. On February 2, 2020, Farrar e-mailed Fauci, Collins, and others at NIH with a summary of thoughts from others at the meeting, including concern about the furin cleavage site. "He [Mike Farzan, discoverer of SARS receptor] is bothered by the furin site and has a hard time explain [sic] that as an event outside the lab (though, there are possible ways in nature, but highly unlikely)... Instead of directed engineering, changes in the RBD and acquisition of the furin site would be highly compatible with the idea of continued passage of virus in tissue culture... Acquisition of the furin site would likely destabilize the virus but would make it disseminate to new tissues." Farrar concluded that SARS-CoV-2's origin could have occurred from passage in tissue culture on human cell lines in a BSL-2 lab for an extended period; accidentally creating a virus primed for rapid transmission between humans via gain of furin site (from tissue culture) and adaptation to human ACE2 receptor via repeated passage.<sup>111</sup>

254. Dr. Garry of Tulane University said:

"I really can't think of a plausible natural scenario where you get from the bat virus or one very similar to it to nCoV where you insert exactly 4 amino acids 12 nucleotide that all have to be added at the exact same time to gain this function – that and you don't change any other amino acid in S2? I just can't figure out how this gets accomplished in nature."<sup>112</sup>

255. University of Edinburgh virologist Andrew Rambaut agreed: "From a (natural) evolutionary point of view the only thing here that strikes me as unusual is the furin

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<sup>110</sup> *Id.*

<sup>111</sup> *Id.* (citing <https://s3.documentcloud.org/documents/20793561/leopold-nih-foia-anthony-fauci-emails.pdf#page=3126>)

<sup>112</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/>

- cleavage site. It strongly suggests to me that we are missing something important in the origin of the virus.<sup>113</sup> Dr. Fouchier's position was that debating natural versus lab-leak origin "would unnecessarily distract top researchers from their active duties and do unnecessary harm to science in general and science in China in particular."<sup>114</sup>
256. Francis Collins agreed with this sentiment: "a swift convening of experts... is needed, or the voices of conspiracy will quickly dominate, doing great potential harm to science and international harmony."<sup>115</sup>
257. In an e-mail to Fauci and Collins, Farrar wrote: "Tedros and Bernhard have apparently gone into conclave... they need to decide today in my view. If they do prevaricate, I would appreciate a call with you later tonight or tomorrow to think about how we might take forward [sic]."<sup>116</sup>
258. In this email, Farrar expressed concern about an article published by ZeroHedge which discussed the potential lab release as the origin of the virus. Id.
259. ZeroHedge was thereafter banned from Twitter.
260. On February 4, 2020, Farrar sent an early draft of what would come to be a seminal article concerning the origins of SARS-CoV-2 – *The Proximal Origin of SARS-CoV-2* ("Proximal Origin paper") – published on March 17, 2020 in *Nature Medicine*. In his e-mail regarding the early draft, Holmes noted they "[d]id not mention other anomalies as this will make us look like loons" even though the group of scientists *did* discuss such "anomalies" (i.e., the furin cleavage site). Similarly, Andersen shared his concerns about "conspiracy theorists"

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<sup>113</sup> Id.

<sup>114</sup> Id.

<sup>115</sup> Id.

<sup>116</sup> <https://s3.documentcloud.org/documents/20793561/leopold-nih-foia-anthony-fauci-emails.pdf#page=3126> (accessed 1.2.2023)

and wrote to Fauci regarding the *Proximal Origin* paper: “If one of the main purposes of this document is to counter those fringe theories, I think it’s very important that we do so strongly and in plain language... ‘consistent with [natural evolution] is a favorite of mine when talking to scientists, but not when talking to the public – especially conspiracy theorists[.]”

261. In response to one of the drafts of the *Proximal Origin* paper, on February 4, 2020 Francis Collins stated: “Very thoughtful analysis. I note that Eddie [Holmes] is now arguing against the idea that this is the product of intentional human engineering. But repeated tissue culture passage is still an option – though it doesn’t explain the O-linked glycans.”<sup>117</sup>
262. Farrar responded: “Being very careful in the morning wording. ‘Engineered’ probably not. Remains a very real possibility of accidental lab passage in animals to give glycans. Will forward immediately or if you want to give Eddie [Holmes] a ring. Eddie would be 60:40 lab side. I remain 50:50...”<sup>118</sup> Collins responded: “Yes, I’d be interested in the proposal of accidental lab passage in animals (which ones?).”<sup>119</sup> Fauci responded to Collins’s e-mail later that day: “?? Serial passage in ACE2-transgenic mice” to which Farrar replied, “Exactly!”<sup>120</sup> Collins then replied: “Surely that wouldn’t be done in a BSL-2 lab?” to which Farrar replied, “Wild West.....” referring to the WIV.<sup>121</sup>
263. On February 11, 2020, Defendant Lipkin made the following observation about the draft *Proximal Origin* paper:<sup>122</sup>

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<sup>117</sup> <https://www.documentcloud.org/documents/23316400-farrar-fauci-comms> at 93 (accessed 11.23.22).

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 92.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.* (citing [https://media.vanityfair.com/photos/625450eee8cd707c14c24ee9/master/pass/eban-email.jpg?\\_ga=2.257946248.283059975.1661889230-1462471727.1645214664](https://media.vanityfair.com/photos/625450eee8cd707c14c24ee9/master/pass/eban-email.jpg?_ga=2.257946248.283059975.1661889230-1462471727.1645214664))

On 11 Feb 2020, at 9:01 am, Ian Lipkin <[REDACTED]> wrote:

It's well reasoned and provides a plausible argument against genetic engineering. It does not eliminate the possibility of inadvertent release following adaptation through selection in culture at the institute in Wuhan. Given the scale of the bat CoV research pursued there and the site of emergence of the first human cases we have a nightmare of circumstantial evidence to assess.

Ian

264. Defendant Lipkin's admission that there was "a nightmare of circumstantial evidence" apparently refers to the fact that risky, abnormally dangerous research on SARS coronaviruses was taking place at WIV, the precise city of the eventual SARS-CoV-2 outbreak.
265. In or around February 2020, as the debate about COVID-19's origins began in earnest, Defendant Peter Daszak coordinated the drafting and signing of a group letter to *The Lancet*, a well-known international medical journal ("*Lancet* Letter").<sup>123</sup> The authors of the *Lancet* Letter argued – without support – that the COVID-19 pandemic occurred naturally, despite facts suggesting it was actually developed in a lab.<sup>124</sup>
266. Defendant Peter Daszak's motive was obvious: "The *Lancet* statement, signed by 27 prominent scientists, has been influential in tamping down suspicions by some scientists that COVID-19 could have ties to China's Wuhan Institute of Virology, which has a research affiliation to the EcoHealth Alliance."<sup>125</sup>

<sup>123</sup> Calisher, et al., "Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19," *The Lancet*, Vol. 395, Issue 10226, March 7, 2020. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext) (last accessed 1 2 2023).

<sup>124</sup> Emails show scientists discussed masking their involvement in key journal letter on COVID origins. US Right to Know Feb 15, 2021, <https://usrtk.org/covid-19-origins/scientists-masked-involvement-in-lancet-letter-on-covid-origin/> accessed 1 2 2023; Also see Exhibit "3" to Compl.: Huff Declaration.

<sup>125</sup> *Id.*

267. The authors of the *Lancet* Letter – which include Defendant Daszak – wrote: “[t]he rapid, open, and transparent sharing of data on this outbreak is now being threatened by rumours and misinformation around its origins. We stand together to strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin.” There is evidence that Defendant Daszak was in fact the primary author of the *Lancet* Letter.<sup>126</sup> Exhibit “21” Daszak-Baric email February 6, 2022.
268. In addition, five of the signatories of the *Lancet* Letter were directly affiliated with Defendant EcoHealth,<sup>127</sup> and two were partners there.<sup>128</sup>
269. Further proof of Defendant Peter Daszak’s motive can be gleaned from an e-mail exchange between him and Defendant Baric, and others, on February 6, 2020, entitled “No need for you to sign the ‘Statement’ Ralph!!” sent with “high importance.” There, Defendant Peter Daszak wrote:

*“I spoke with Linfa [Wang] last night about the statement we sent round. He thinks, and I agree with him, that you, me and him should not sign this statement, so it has some distance from us and therefore doesn’t work in a counterproductive way.*

*Jim Hughes, Linda Saif, Hume Field, and I believe Rita Colwell will sign it, then I’ll send it round some other key people tonight. We’ll then put it out in a way that doesn’t link it back to our collaboration so we maximize an independent voice.” See Exhibit “21” Baric – Daszak email exchange, February 6, 2020.*

270. In response, Defendant Baric wrote:

*“I also think this is a good decision. Otherwise it looks self-serving and we lose impact.”*

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<sup>126</sup> [https://usrtk.org/wp-content/uploads/2021/02/Maryland-Lancet-emails\\_Feb\\_6\\_draft.pdf](https://usrtk.org/wp-content/uploads/2021/02/Maryland-Lancet-emails_Feb_6_draft.pdf)

<sup>127</sup> Sainath Suryanarayanan. EcoHealth Alliance orchestrated key scientists’ statement on “natural origin” of SARS-CoV-2. USRTK Nov 18 2020 <https://usrtk.org/covid-19-origins/ecohealth-alliance-orchestrated-key-scientists-statement-on-natural-origin-of-sars-cov-2/> (accessed 1 2 2023).

<sup>128</sup> <https://www.ecohealthalliance.org/partners> (accessed 1 2 2023).

271. Thus, while Defendant Peter Daszak organized the Lancet letter, he purposefully omitted Defendant EcoHealth's partnership with WIV and Defendant Baric's name in order to feign impartiality.<sup>129</sup> The letter publicly called upon the WHO to discount the lab leak theory.<sup>130</sup>
272. The *Lancet* letter further included this statement: "*We declare no competing interests.*"<sup>131</sup> Daszak also told the *Washington Post* that he had no conflicts of interest concerning his work with Shi Zhengli at the Wuhan Institute of Virology.<sup>132</sup>
273. Defendant Daszak further tried to cover his tracks when he agreed to be part of a team sent to China by the WHO in February 2021 to investigate the origin of SARS-CoV-2.
274. Not surprisingly, the team reported it was "extremely unlikely" that the virus has been released from a lab.<sup>133</sup>
275. Team members were asked to sign a declaration of interest and according to the report, "[a]ll declared interests were assessed and found not to interfere with the independence and transparency of the work."<sup>134</sup>
276. Defendant Daszak could not have disclosed his connection to the WIV and prior **GOF** research and met the criteria for "independence and transparency."

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<sup>129</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/>

<sup>130</sup> Calisher, et al., "Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19," *The Lancet*, Vol. 395, Issue 10226, March 7, 2020. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext) (accessed 11.21.22).

<sup>131</sup> Calisher C, Carroll D, Colwell R et al. "Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19." *The Lancet* 2020 Mar;395(10226):E42-E43

<sup>132</sup> Josh Rogin. Opinion: the coronavirus shows he risks of scientific collaboration with China. *Washington Post* Apr 23 2020 [https://www.washingtonpost.com/opinions/global-opinions/the-coronavirus-crisis-shows-the-risks-of-scientific-collaboration-with-china/2020/04/23/4ccd5850-85a8-11ea-878a-86477a724bdb\\_story.html](https://www.washingtonpost.com/opinions/global-opinions/the-coronavirus-crisis-shows-the-risks-of-scientific-collaboration-with-china/2020/04/23/4ccd5850-85a8-11ea-878a-86477a724bdb_story.html) (accessed 1 2 2023)

<sup>133</sup> WHO-convened Global Study of the Origins of SARS-CoV-2: China Part. <https://www.who.int/publications/i/item/who-convened-global-study-of-origins-of-sars-cov-2-china-part> (accessed 1 2 2023)

<sup>134</sup> *Ibid.* at 12.

277. Defendant Daszak also hid his conflicts of interest concerning his research and his ties to the Wuhan Institute of Virology from Jeffrey Sachs, chair of the *Lancet* COVID-19 Commission.
278. Defendant Daszak had been asked by Sachs to head a Task Force to look into the origins of COVID-19. According to Sachs, “*It is clear that the NIH co-funded research at the Wuhan Institute of Virology that deserves scrutiny under the hypothesis of a laboratory-related release of the virus.*”<sup>135</sup> Sachs ended the task force’s work after more information became public that questioned the veracity of statements made by Daszak.<sup>136</sup>
279. On February 17, 2020, a preprint of the *Proximal Origin* paper was published.<sup>137</sup>
280. On March 6, 2020, Andersen thanks Fauci, Collins, and Farrar for their “advice and leadership” on the *Proximal Origin* paper, which had just been accepted for publication in *Nature Medicine*. Fauci responds thanking Andersen and commenting, “[n]ice job on the paper.”
281. On March 17, 2020, the *Proximal Origin* paper is officially published in the journal by five authors: Andersen, Rambaut, Defendant Lipkin, Holmes, and Garry.
282. The media promptly accepted the paper’s conclusion that SARS-CoV-2 was not lab-made,<sup>138</sup> and branded anyone that argued otherwise “conspiracy theorists.” For example,

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<sup>135</sup> Jeffrey Sachs. Finding the Origins of the COVID-19 and Preventing Future Pandemics.

<https://www.jeffsachs.org/newspaper-articles/cp24mtcpswgyty5st4pm29mwh6dt2d> (accessed 9.10.2022)

<sup>136</sup> COVID-19: Lancet investigation into origin of pandemic shuts down over bias risk. BMJ 2021;375:n2414 <https://www.bmj.com/content/375/bmj.n2414> (accessed 1.2.2023).

<sup>137</sup> <https://web.archive.org/web/20200217170645/http://virological.org/t/the-proximal-origin-of-sars-cov-2/398>

<sup>138</sup> See, e.g., <https://www.foxnews.com/science/the-coronavirus-did-not-escape-from-a-lab-heres-how-we-know> (last accessed 1.2.2023); <https://www.vice.com/en/article/xgqkn4/the-novel-coronavirus-was-not-made-in-a-lab-nature-medicine-study-confirms> (1.2.2023).

an article published on the ABC News website announced: “Sorry, conspiracy theorists. Study concludes COVID-19 ‘is not a laboratory construct.’”<sup>139</sup>

283. The *Proximal Origin* paper proposed “two scenarios that can plausibly explain the origin of SARS-CoV-2: (i) natural selection in an animal host before zoonotic transfer; and (ii) natural selection in humans following zoonotic transfer.”<sup>140</sup> The authors also wrote that “[i]t is improbable that SARS-CoV-2 emerged through laboratory manipulation of a related SARS-CoV-like coronavirus” and provided the following analysis:

[T]he RBD of SARS-CoV-2 is optimized for binding to human ACE2 with an efficient solution different from those previously predicted. Furthermore, if genetic manipulation had been performed, one of the several reverse-genetic systems available for betacoronaviruses would probably have been used. However, the genetic data irrefutably show that SARS-CoV-2 is not derived from any previously used virus backbone.<sup>141</sup>

284. In their Conclusions section, the authors stated: “Although the evidence shows that SARS-CoV-2 is not a purposefully manipulated virus, it is currently impossible to prove or disprove the other theories of its origin described here.”<sup>142</sup>
285. In mid-April, Francis Collins voiced his concern about the lab leak theory gaining widespread momentum and wondered if NIH can do anything “to help put down this very destructive conspiracy[.]”<sup>143</sup> Fauci tells Collins to stand down, as COVID-19 “is a shiny object that will go away in times.”<sup>144</sup>
286. In an April 18, 2020 e-mail, Defendant Daszak thanked Dr. Anthony Fauci for “publicly standing up and stating that the scientific evidence supports a natural origin for COVID-

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<sup>139</sup> <https://abcnews.go.com/US/conspiracy-theorists-study-concludes-covid-19-laboratory-construct/story?id=69827832> (accessed 1.2.2023).

<sup>140</sup> <https://www.nature.com/articles/s41591-020-0820-9> (accessed 1.2.2023).

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/>

<sup>144</sup> *Id.*



- 19 from a bat-to-human spillover, not a lab release from the Wuhan Institute of Virology.”<sup>145</sup> See Exhibit “5” to Compl., Daszak to Fauci email exchange April 18- 19, 2022, re: thank you Dr. Fauci.
287. The above email was in response to Fauci’s statement at a White House press conference on April 17, 2020, where Fauci cited the *Proximal Origin* paper and told reporters the virus’s genome was “totally consistent with a jump of species from an animal to a human.”<sup>146</sup>
288. In response to a White House press corps reporter’s inquiry, Fauci attached a copy of the *Proximal Origin* paper along with *A Genomic Perspective on the Origin and Emergence of SARS-CoV-2*.<sup>147</sup>
289. Members of the Chinese Communist Party affiliated with Defendant Lipkin expressed pleasure with the efforts by scientists to dispel the lab leak theory.
290. On May 5, 2020, Defendant Lipkin wrote to Fauci: “*We deeply appreciate your efforts in steering and messaging.*”<sup>148</sup>
291. As part of his message to Fauci, Defendant Lipkin forwarded an e-mail from China’s former Minister of Health, Chen Zhu, the current vice-chairperson of the Standing Committee of the National People’s Congress of China (headed by Li Zhanshu, a prominent CCP figure and top advisor to Chinese President Xi Jinping). While most of Zhu’s e-mail is redacted, he thanks Defendant Lipkin and promises to keep him “informed

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<sup>145</sup> April 18, 2020, e-mail from Peter Daszak to Anthony Fauci, et al.:

<https://www.thegatewaypundit.com/2021/06/caught-top-official-thanks-dr-fauci-email-april-2020-insisting-covid-19-naturally-occurring-men-knew-lie/>

<sup>146</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/> (accessed 1.2.2023 ).

<sup>147</sup> *Id.* (citing <https://pubmed.ncbi.nlm.nih.gov/32220310/> (accessed 1.2.2023)).

<sup>148</sup> <https://www.foxnews.com/politics/columbia-professor-lipkin-fauci-wuhan-lab-china> (accessed 11.21.22).

of any progress in the coming weeks.”<sup>149</sup> Zhu’s e-mail came in response to Defendant Lipkin’s e-mail to Zhu, in which Lipkin discusses the “[u]ncertainty about the origin of COVID-19 pandemic [] causing friction worldwide, particularly between China and the United States” and assures Zhu “[t]here is agreement that the causative agent, SARS-CoV-2 originated in a bat.” Lipkin also referenced “a high level of confidence that the virus was not deliberately modified in any laboratory[.]”<sup>150</sup>

292. On March 30, 2021, the WHO released a report on the origins of SARS-CoV-2.<sup>151</sup>

293. Defendant Peter Daszak and Professor Koopmans (who had an undisclosed role in drafting the *Proximal Origin* paper) were members of the WHO team.

294. While WHO Director-General Ghebreyesus noted the investigation was still incomplete, the report dismissed a lab origin as “extremely unlikely[.]”<sup>152</sup>

295. In records released by investigative reporting group Project Veritas, Major Joe Murphy USMC – who had previously worked at DARPA – made the following allegations:

“I’m reaching out to communicate some information relative to COVID that I don’t believe or your director is aware of. You probably saw earlier this week that more official documents linking NIH and EcoHealth Alliance to the Wuhan Institute of Virology were published by The Intercept. I came across additional incriminating documents and produced an analysis shortly after leaving DARPA last month. This report was routed to the DOD IG office.

I’m unsure whether the significance of what I communicated is understood by those that received the report. Decisions with regards to the vaccines do not appear to be informed by analysis of the documents. The main points being that SARS-CoV-2 matches the SARS vaccine variants the NIH-EcoHealth program was making in Wuhan; that the DOD rejected the program proposal because vaccines would be ineffective and because the spike proteins being inserted into the variants were deemed too dangerous (gain-of-function); and that the DOD

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<sup>149</sup> <https://www.documentcloud.org/documents/20793561-leopold-nih-foia-anthony-fauci-emails-at-706-707> (accessed 11.21.22).

<sup>150</sup> *Id.* at 707.

<sup>151</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/origins-of-the-virus> (accessed 11.21.22).

<sup>152</sup> <https://www.theguardian.com/world/2021/feb/09/wuhan-laboratory-leak-covid-origin-theory-unlikely-says-who-team> (accessed 11.21.22).

now mandates vaccines that copy the spike protein previously deemed too dangerous. To me, and to those who informed my analysis, the situation meets no-go or abort criteria with regards to the vaccines until the toxicity of the spike protein can be investigated.”

296. Major Murphy further asserted:

“SARS-CoV-2 is an American-created recombinant bat vaccine, or its precursor virus. It was created by an EcoHealth Alliance program at the Wuhan Institute of Virology (WIV), as suggested by the reporting surrounding the lab leak hypothesis. The details of this program have been concealed since the pandemic began. These details can be found in the EcoHealth Alliance proposal response to the DARPA PREEMPT program Broad Agency Announcement (BAA) HR00228S0017, dated March 2018...

The contents of the proposed program are extremely detailed. Peter Daszak lays out step-by-step what the organization intends to do by phase and by location...

When synthesized with the EcoHealth Alliance proposal, US collections confirm EcoHealth Alliance was performing the work proposed...

DARPA rejected the proposal because the work was too close to violating the gain-of-function (GOF) moratorium, despite what Peter Daszak says in the proposal (that the work would not). As is known, Dr. Fauci with NIAID did not reject the proposal. The work took place at the WIV and at several sites in the US, identified in detail in the proposal.

SARS-CoV-2, hereafter referred to as SARSr-CoV-WIV, is a synthetic spike protein chimera engineered to attach to human ACE2 receptors and inserted into a recombinant bat SARSr-CoV backbone... It leaked and spread rapidly because it was aerosolized so it could efficiently infect bats in caves...”<sup>153</sup> <sup>154</sup>

297. In 2021, the WHO created the Scientific Advisory Group for the Origins of Novel Pathogens (SAGO), an international team of 26 people. SAGO issued reports on April 13, 2022, May 15, 2022, and June 9, 2022.

<sup>153</sup> [https://assets.ctfassets.net/syq3snmxcl9/2mVob3cl1aDd8CNvVnyci6n/95af7dbfd2958d4c2b8494048b4889b5/JAG\\_Docs\\_pt1\\_Og\\_WATERMARK\\_OVER\\_Redacted.pdf](https://assets.ctfassets.net/syq3snmxcl9/2mVob3cl1aDd8CNvVnyci6n/95af7dbfd2958d4c2b8494048b4889b5/JAG_Docs_pt1_Og_WATERMARK_OVER_Redacted.pdf) (accessed 12.2.2022)

<sup>154</sup> <https://www.vanityfair.com/news/2022/03/the-virus-hunting-nonprofit-at-the-center-of-the-lab-leak-controversy-additional-facts>.

298. In the June 9, 2022 *Preliminary Report of the SAGO*, the group discussed the “[p]ossibility of introduction of SARS-CoV-2 to the human population through a laboratory incident[.]”<sup>155</sup>
299. SAGO determined they could not make a conclusive recommendation on this issue until additional information can be obtained, noting “it is not common practice to publish the institutional implementation of biosafety and biosecurity practices of individual laboratories in peer-reviewed scientific journals[.]”<sup>156</sup> In other words, WIV’s cooperation is essential.
300. In the Summer of 2022, a connection between Holmes and WIV was uncovered – specifically related to work on RaTG13. “One hundred and sixty-three partial sequences describing SARS-like coronaviruses appeared on an NIH database, **but quickly disappeared from the database’s search results**... Two of the authors are Shi, senior scientist at the [WIV], and Holmes, a coauthor of the ‘proximal origin’ paper.”<sup>157</sup>
301. Holmes said in a September 2022 interview that “[t]he really shocking thing about these submissions was that my name was on them... I thought, ‘why am I on this?’ Then I looked back, and it turns out there was this paper that was never published.”<sup>158</sup>
302. Upon information and belief, Holmes had helped write a paper about bat coronaviruses in January 2018 at the request of a Chinese scientist, Jie Cui. The paper investigated where SARS1 bat viruses are found in Guangdong and Yunnan Provinces, and sought to discern whether there is a lineage that goes along that southern part of China.<sup>159</sup>

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<sup>155</sup> [https://cdn.who.int/media/docs/default-source/scientific-advisory-group-on-the-origins-of-novel-pathogens/sago-report-09062022.pdf?sfvrsn=42b55bbc\\_1&download=true](https://cdn.who.int/media/docs/default-source/scientific-advisory-group-on-the-origins-of-novel-pathogens/sago-report-09062022.pdf?sfvrsn=42b55bbc_1&download=true) (accessed 11.21.22).

<sup>156</sup> *Id.*

<sup>157</sup> <https://usrtk.org/covid-19-origins/timeline-the-proximal-origin-of-sars-cov-2/#genbank> (emphasis added).

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

303. The partial sequence of the SARS-Cov-2 virus are missing from the NIH database and is highly concerning.
304. As Defendant Peter Daszak stated on Chinese state-affiliated television in 2018: “The work we do with Chinese collaborators is published jointly in international journals and the sequence data is uploaded onto the Internet free for everyone to read, very open, very transparent, and very collaborative... Science is naturally transparent and open... You do something, you discover something, you want to tell the world about it. That’s the nature of scientists.”<sup>160</sup>, <sup>161</sup>
305. In October 2022, the Senate Committee on Health Education, Labor and Pensions (Minority Oversight Staff) issued *An Analysis of the Origins of the COVID-19 Pandemic* (“Senate Minority Interim Report”). See Exhibit “13” to Compl. <sup>162</sup>
306. Senator Richard Burr explained in the October 2022 Senate Interim Report that the effort sought to clarify the origin of the COVID-19 pandemic so as “to address pandemic preparedness and response programs... to be better prepared to respond to future public health threats.”<sup>163</sup> *Id.* at 3.
307. The October 2022 Senate Interim Report acknowledged the challenges in establishing the origins of SARS-CoV-2, including efforts by the PRC to stonewall and prohibit transparency.<sup>164</sup> *Id.* at 4.

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<sup>160</sup> <https://www.vanityfair.com/news/2022/03/the-virus-hunting-nonprofit-at-the-center-of-the-lab-leak-controversy> (accessed 1 2 2023).

<sup>161</sup> <https://usrtk.org/covid-19-origins/scientists-masked-involvement-in-lancet-letter-on-covid-origin>

<sup>162</sup> [https://static1.squarespace.com/static/61910a2d98732d54b73ef8fc/t/635d0e2c7d58c0223ff8ac02/1667042865326/report\\_an\\_analysis\\_of\\_the\\_origins\\_of\\_covid-19\\_102722.pdf](https://static1.squarespace.com/static/61910a2d98732d54b73ef8fc/t/635d0e2c7d58c0223ff8ac02/1667042865326/report_an_analysis_of_the_origins_of_covid-19_102722.pdf)

<sup>163</sup> *Id.* at 3.

<sup>164</sup> *Id.* at 4.

308. The October 2022 Senate Minority Interim Report begins with an *Analysis of Natural Zoonotic Origins Hypothesis*.<sup>165</sup> *Id.* at 5. While recognizing natural zoonotic spillover might plausibly explain the Covid-19 outbreak, the Senate Interim Report also points to several “anomalies in the SARS-CoV-2 outbreak and the early COVID-19 pandemic compared to the emergence of past natural zoonotic spillovers...”<sup>166</sup>
309. For example, assuming the virus began in a horseshoe bat residing in Southern China or Southeast Asia, the authors of the October 2022 Senate Interim Report question how the virus could have traveled over 1,000 miles before emerging in Wuhan. *Id.*
310. The October 2022, Senate Interim Report questions how there is still no evidence of an animal infected with SARS-CoV-2 or a related virus, despite being approximately three years into the pandemic.<sup>167</sup> *Id.*
311. The October 2022 Senate Interim Report recounts:
- “[a] number of epidemiologists and virologists – and, at first, the Chinese government – have asserted that the COVID-19 pandemic originated from a natural zoonotic transmission occurring at the Huanan Seafood Market. Government officials in China have subsequently also postulated the theory that SARS-CoV-2 arrived in China on the surface of imported frozen seafood or was brought into China by infected people or animals after being created by the U.S. military. Support for these alternative theories is limited to government-controlled publications in China and is not credible absent independent corroboration.”*<sup>168</sup> *Id.*
312. The October 2022 Senate Minority Interim Report further notes the lack of published genetic evidence that SARS-CoV-2 was circulating in animals prior to the start of the

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<sup>165</sup> *Id.* at 5.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.* at 6-7.

<sup>168</sup> *Id.* at 8 (citing Cohen, Jon. (Aug. 18, 2022). Where did the pandemic start? Anywhere but here, argue papers by Chinese scientists echoing party line. *Science*. 2022: 377 (6608). <https://www.science.org/content/article/pandemic-start-anywhere-but-here-argue-papers-chinese-scientists-echoing-party-line>; and Scientific Advisory Group for the Origins of Novel Pathogens (SAGO). (June 9, 2022). Preliminary Report. World Health Organization. <https://cdn.who.int/media/docs/default-source/scientific-advisory-group-on-the-origins-of-novel-pathogens/sago-report-09062022.pdf>

pandemic. The authors also point to “the genomes of early COVID-19 cases” which did not show genetic evidence that SARS-CoV-2 recently circulated in species other than humans.<sup>169</sup> Id.

313. The October 2022 Senate Minority Interim Report concludes, in part, it appears likelier that the virus bound at the Huanan Seafood Market was shed by infected humans, rather than by infected animals.<sup>170</sup> Id.

314. The October 2022 Senate Minority Interim Report added:

*“[t]here... do not appear to have been subsequent spillovers of the virus that generated sustained transmission in humans, or any other independent spillovers of SARS-CoV-2, from the immediate host animal(s) to humans since the pandemic started. It is also noteworthy that the earliest variants of SARS-CoV-2 were well-adapted for human-to-human transmission.”<sup>171</sup>*

315. The October 2022 Senate Minority Interim Report concludes that the natural zoonotic hypothesis is unlikely to explain the origins of SARS-CoV-2 for the following reasons:

- The intermediate host species for SARS-CoV-2, if one exists, remains unidentified;
- Unlike SARS, the genomes of early COVID-19 cases from the first months of the pandemic do not show genetic evidence of SARS-CoV-2 having circulated in another animal species other than humans;
- SARS-CoV-2’s high binding affinity for human ACE2 receptors suggests that it is possible for it to directly infect humans without needing a period of adaptation in an intermediate host;
- Based on the available evidence, Wuhan is the only location where SARS-CoV-2 spilled over into humans; and
- The low genetic diversity of the earliest SARS-CoV-2 samples suggests that the COVID-19 pandemic is most likely the result of a single successful spillover of SARS-CoV-2.<sup>172</sup> Id. at 12.

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<sup>169</sup> *Interim Report* at 8 (citing sources).

<sup>170</sup> *Id.* at 8-9 (citing sources).

<sup>171</sup> *Id.* at 9 (citing sources).

<sup>172</sup> *Id.* at 12 (citing sources). Calisher, et al., “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19,” *The Lancet*, Vol. 395, Issue 10226, March 7, 2020. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext) (last accessed 1 2 2023).

316. Despite Defendants' and their co-conspirators' efforts to bolster the "wet market" origin theory, published research showed that the market could *not* have been the source of the outbreak.
317. Indeed, the co-authors of the article published in the *Lancet*, including experts from Wuhan's leading infectious disease hospital, reported that among the first 41 patients identified in Wuhan, the first patient to show symptoms (on December 1, 2019) had no exposure to the market. "No epidemiological link was found between the first patient and later cases," wrote the researchers. Thirteen of the patients had no link to the wet market.<sup>173</sup> See Exhibit "14" at 24.
318. The authors of the October 2022 Senate Interim Report separately analyzed whether SARS-CoV-2 could have resulted from a "research-related incident." They noted that a lab release could result from "human errors, mechanical failure, animal bites, animal escapes, inadequate training, insufficient funding, and pressure for results," among other things.<sup>174</sup>
319. Further, they observed that "[t]he WIV is an epicenter of advanced coronavirus research that was designed to predict and prevent future pandemics by collecting, characterizing, and experimenting on 'high-risk' coronavirus with the potential to spill over into humans."<sup>175</sup>
320. The abnormally dangerous activity undertaken through WIV include:
- In the aftermath of the 2002-2004 SARS epidemic, WIV researchers undertook annual virus collection expeditions to Southern China and Southeast Asia, where bats naturally harbor SARS-related viruses, from 2004 onward.<sup>176</sup>

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<sup>173</sup> Huang C, Wang Y, Li X et al. "Clinical Features of Patients Infected with 2019 Novel Coronavirus in Wuhan, China." *Lancet*, 2020 Feb;395(10223):P497-506

<sup>174</sup> *Id.* at 13.

<sup>175</sup> *Id.* at 23.

<sup>176</sup> *Id.* at 23 (citing Qiu J. (June 1, 2020). How China's "Bat Woman" Hunted Down Viruses from SARS to the New Coronavirus. *Scientific American*. 322, 6, 24-32. doi:10.1038/scientificamerican0620-24, <https://www.scientificamerican.com/article/how-chinas-bat-woman-hunted-down-viruses-from-sars-to-the-new-coronavirus1/> (accessed 11.15.22)).



- WIV researchers actively sampled bats in Southern China and Southeast Asia where the SARS-related coronaviruses most similar to SARS-CoV-2 have been collected and identified.<sup>177</sup>
- The WIV had collected more than 15,000 samples from bats, from which they had identified more than 1,400 bat viruses, including an estimated 100 unpublished sequences of SARS-related coronaviruses – the genre of coronaviruses to which SARS-CoV-2 belongs. The database containing the sequences of viruses collected by the WIV, including unpublished SARS-related coronaviruses, was taken offline starting in September 2019.<sup>178</sup>
- Following field collection, samples were transported to Wuhan, where they were screened for the presence of coronaviruses. WIV researchers performed animal and human cell-related research using recombinant genetic techniques with the express goal of discovering human adapted SARS- like chimeric viruses. The WIV conducted these experiments in BSL2 and BSL3 laboratories.<sup>179</sup>
- Senior coronavirus researcher Shi Zhengli disclosed that in 2018-2020, her team infected civets and humanized mice that expressed human ACE2 receptors with chimeric SARS-related coronaviruses. The results of these experiments have never been published.<sup>180</sup>
- The EcoHealth Alliance NIH grants and DARPA grant proposals, in partnership with the WIV, sought to collect and conduct genetic recombinant experiments on SARS-related coronaviruses with specific traits that made those viruses a “high risk” for zoonotic spillover into animals and humans. SARS-CoV-2 shares many of the traits these researchers were interested in finding in SARS-related coronaviruses or interested in engineering such traits if they were not found naturally.<sup>181</sup>

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<sup>177</sup> *Id.* at 23 (citing BurNIH-00000483-495 (on file with staff)).

<sup>178</sup> *Id.* at 23 (citing Editorial Board. We’re still Missing the Origin Story of this Pandemic. China is Sitting on the Answers. The Post’s View. Washington Post. <https://www.washingtonpost.com/opinions/2021/02/05/coronavirus-origins-mystery-china/>; see also Contributor, Anonymous & Bostickson, Billy & Demaneuf, Gilles. (2021). An Investigation into the WIV Databases that were Taken Offline. DOI:10.13140/RG.2.2.28029.08160 - [https://www.researchgate.net/publication/349073738\\_An\\_investigation\\_into\\_the\\_WIV\\_databases\\_that\\_were\\_taken\\_offline](https://www.researchgate.net/publication/349073738_An_investigation_into_the_WIV_databases_that_were_taken_offline)

<sup>179</sup> *Id.* at 23 (citing Cohen J. (Jul. 31, 2020). Wuhan Coronavirus Hunter Shi Zhengli speaks out. Science. 369(6503), 487–488. <https://doi.org/10.1126/science.369.6503.487>).

<sup>180</sup> *Id.* at 24 (citing Cohen J. (Jul. 31, 2020). Wuhan Coronavirus Hunter Shi Zhengli speaks out. Science. 369(6503), 487–488. <https://doi.org/10.1126/science.369.6503.487>).

<sup>181</sup> *Id.* at 24 (citing Cohen J. (Jul. 31, 2020). Wuhan Coronavirus Hunter Shi Zhengli speaks out. Science. 369(6503), 487–488. <https://doi.org/10.1126/science.369.6503.487>).

321. The October 2022 Senate Minority Interim Report further noted evidence of biosafety failures at the WIV, management and training concerns at the WIV, and anomalies in epidemiology of SARS-CoV-2 outbreak as supporting the lab-leak origin.<sup>182</sup>
322. SARS-CoV-2 was created in a lab and developed in collaboration with other entities. “BLAST” is an acronym for “Basic Local Alignment Search Tool.” It’s a computer algorithm available for use at the National Center for Biotechnology Information (NCBI) website.
323. The above-described algorithm allows scientists to quickly query a DNA sequence to find matches or regions of similarity between protein sequences.
324. Scientists worldwide deposit their sequences when they make new discoveries.
325. A distinguishing feature of SARS-CoV-2 is the furin cleavage site and the 12-nucleotide insertion in the spike protein, particularly its two consecutive CGG codons. Researchers conducted a BLAST search and found a 100% reverse match in a proprietary U.S. patent filed on February 4, 2016 (US patent 9,587,003).<sup>183</sup>
326. According to the researchers, statistical analysis shows that the probability of this sequence randomly being present in a 30,000-nucleotide viral genome is  $3.21 \times 10^{-11}$  (less than one in one billion). The owner of the patent is Moderna, which makes COVID-19 vaccines using mRNA technology.<sup>184</sup>

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<sup>182</sup> See Exhibit 13, Senate Minority Interim Report October 2022 at 24-25.

<sup>183</sup> Bancel S, Chakraborty T, De Fougerolles A, Elbashir SM, John M, Roy A, et al. Modified Polynucleotides for the Production of Oncology-Related Proteins and Peptides. Cambridge, MA: United States Patent. (2016). <https://pubchem.ncbi.nlm.nih.gov/patent/US-9587003-B2> (accessed 1.2.2023)

<sup>184</sup> Ambati BK, Varshney A, Lundstrom K et al. “MSH3 Homology and Potential Recombination Link to SARS-CoV-2 Furin Cleavage Site.” Frontiers Virol 2022 Feb; <https://doi.org/10.3389/fviro.2022.834808> (accessed 9.10.2022).

327. On October 20, 2022, Bruttel and colleagues issued a pre-print entitled, “*Endonuclease fingerprint indicates a synthetic origin of SARS-CoV-2.*” (“*Endonuclease Fingerprint Paper*”).<sup>185</sup>
328. After reviewing the evidence, the authors concluded that “SARS-CoV-2 likely originated from a reverse genetics system.” They explained that “[t]he BsaI/BsmBI map of SARS-CoV-2 is anomalous for a wild coronavirus and more likely to have originated from an infectious clone designed as an efficient reverse genetics system.”<sup>186</sup>
329. The above-mentioned authors further noted their evidence “is independent of other genomic evidence suggestive of a lab origin of SARS-CoV-2, such as the furin cleavage site (FCS) found in SARS-CoV-2 yet missing from all other known sarbecoviruses.”<sup>187</sup> And they advise that “[t]he probable laboratory origin suggested by our findings motivates improvements in global biosafety.” *Id.*
330. Further evidence suggests that SARS-CoV-2 has the restriction map of an infectious clone. According to scientist Alex Washburne:<sup>188</sup>

“Valentin Bruttel, Tony VanDongen and I examined all infectious clones of coronaviruses made from 2000-2019 by type II directional assembly.”<sup>189</sup> We found that 8 out of 10 infectious clones, including the single CoV infectious clone made in the Wuhan Institute of Virology, used the specific type II directional assembly method cited in the DEFUSE grant. We uncovered a fingerprint of this particular method of *in vitro* viral assembly: due to bioengineering constraints, the cutting/pasting sites researchers choose end up being unusually regularly spaced compared to the random spacing of cutting/pasting sites in non-engineered viruses.

SARS-CoV-2 has that exact fingerprint.<sup>190</sup> In our preprint, we examined a wide range of other coronaviruses and SARS-CoV-2 has the most extreme

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<sup>185</sup> Bruttel, et al., *Endonuclease Fingerprint Indicates a Synthetic Origin of SARS-CoV-2*. See <https://www.biorxiv.org/content/10.1101/2022.10.18.512756v1.full.pdf>

<sup>186</sup> *Id.*

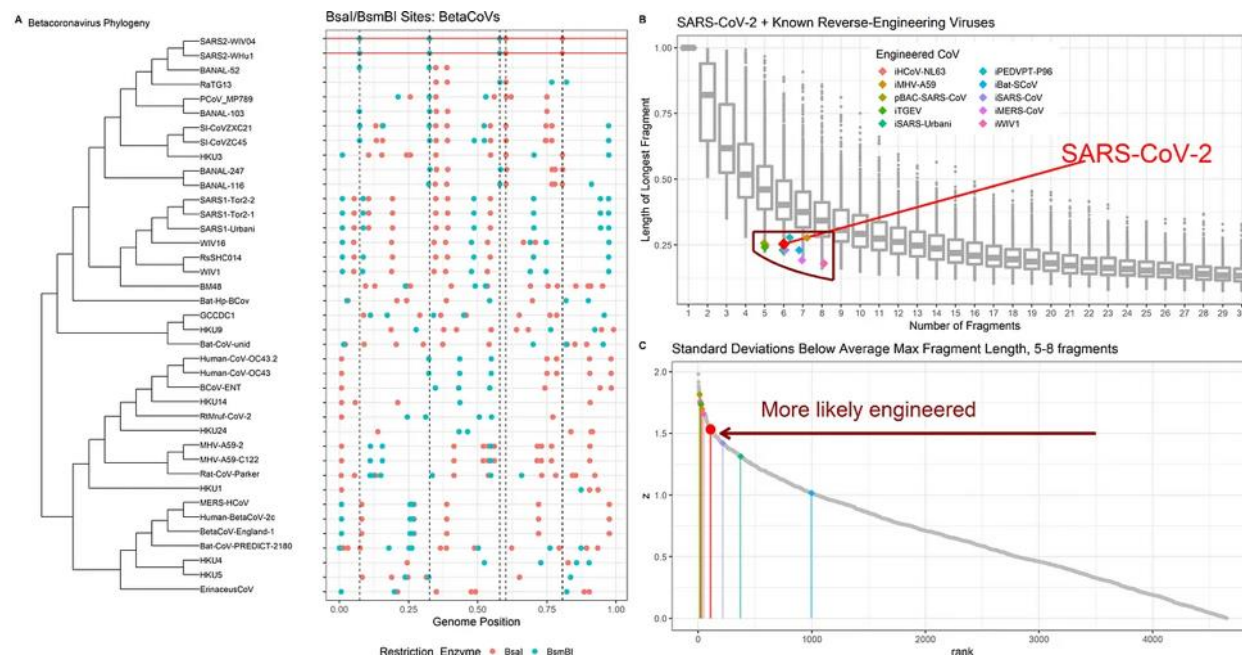
<sup>187</sup> *Id.*

<sup>188</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (accessed 12.1.2022)

<sup>189</sup> See <https://alexwasburne.substack.com/p/the-synthetic-origin-theory-of-sars> (accessed 12.1.2022)

<sup>190</sup> See <https://alexwasburne.substack.com/p/a-synthetic-origin-of-sars-cov-2> (accessed 12.1.2022)

infectious-clone-like type II restriction map of all the natural coronaviruses we analyzed.<sup>191</sup> The FCS of SARS-CoV-2 is anomalous among sarbecoviruses, and the type II restriction map of SARS-CoV-2 is the most extreme type II restriction map of any coronavirus we analyzed.”



(A) The BsaI/BsmBI restriction maps of CoVs, with the unusual even-spacing of SARS-CoV-2 BsaI/BsmBI sites in vertical dashed lines. (B) In the number of fragments & length of the longest fragment, SARS-CoV-2 is right within the idealized range of the proposed efficient reverse genetic system. (C) The BsaI/BsmBI map of SARS-CoV-2 is an anomaly among natural coronaviruses and a midpoint of engineered coronaviruses.

331. Washburne further argues that:

“...animal trade outbreaks look a lot different from SARS-CoV-2 emergence... While the animal trade and Huanan wet market are proposed as the proximal origins of SARS-CoV-2 under the zoonotic theory, the earliest cases may not have been associated with the wet market and SARS-CoV-2 lacks a broader geographic fingerprint characteristic of our prior experience with SARS-CoV outbreaks caused by animal trade networks.”<sup>192</sup>

<sup>191</sup> <https://www.biorxiv.org/content/10.1101/2022.10.18.512756v1> (accessed 12.1.2022)

<sup>192</sup> <https://alexwasburne.substack.com/p/the-totality-of-the-circumstances> (accessed 12.1.2022)

## K. Dangerousness of SARS-CoV-2

### 1. Background Facts

332. SARS-CoV-2 is undeniably dangerous, which is why a pandemic was declared. At all times relevant hereto, SARS-CoV-2 (the virus that causes COVID-19) has been listed pursuant to 42 C.F.R. §73.3(b) as one of what is categorized as “Select Agents” because HHS has determined it “ha[s] the potential to pose a severe threat to public health and safety.” 42 C.F.R. § 73.3(a).<sup>193</sup>
333. Pursuant to 42 C.F.R. §73.12, research involving “Select Agents” is subject to strict biosafety and containment procedures because of the severe threat they pose to public health and safety.<sup>194</sup>
334. According to the CDC, there are “a wide range of symptoms reported” for COVID-19, including fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea.<sup>195</sup>
335. The CDC also addresses “Post-COVID Conditions” on its website, which “is an umbrella term for the wide range of physical and mental health consequences experienced by some patients that are present four or more weeks after SARS-CoV-2 infection...”<sup>196</sup> CDC also acknowledges that Post-COVID conditions are referred to as: Long COVID, Post-acute COVID-19, Long-term effects of COVID, Post-acute COVID syndrome, Chronic COVID, Long-haul COVID, and others. **“Although standardized case definitions are still being developed, in the broadest sense, post-COVID conditions can be considered a lack of**

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<sup>193</sup> <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-F/part-73/section-73.3>

<sup>194</sup> <https://www.ecfr.gov/current/title-42/chapter-I/subchapter-F/part-73/section-73.12>

<sup>195</sup> <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> (accessed 12.1.2022).

<sup>196</sup> <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-care/post-covid-conditions.html> (accessed 1.2.2023).

return to a usual state of health following acute COVID-19 illness.”<sup>197</sup> The CDC further describes debilitating results of COVID-19, including multiorgan system effects.

## 2. The Virus That Injured Plaintiffs

336. In early 2020, the daily death toll of COVID-19 was harrowing, as the medical journals and media frequently reported.<sup>198</sup>
337. Video footage from China claimed to show people collapsing in the streets of Wuhan, sending shockwaves of fear across the world.<sup>199</sup>
338. In Italy, “hysteria over coronavirus... [was] reminiscent of the black death.”<sup>200</sup> SARS-CoV-2 was a virus that shut down the world.
339. On March 11, 2020, the WHO declared that COVID-19 was a “pandemic.”<sup>201</sup>
340. SARS-CoV-2 has been designated by the Department of Health and Human Services (“HHS”) as a biological agent or toxin with “potential to pose a severe threat to public health and safety.”<sup>202</sup>
341. In the first quarter of 2020, officials from around the world took unprecedented steps to combat the emerging pandemic and the novel pathogen that caused it. The risks from SARS-CoV-2 were so severe that entire countries forced their citizens into “lockdowns,” whereby people could not freely leave their homes, travel, go to work, attend school, or meet in groups.<sup>203</sup>

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<sup>197</sup> *Id.* (emphasis in original).

<sup>198</sup> See, e.g., <https://www.nature.com/articles/d41586-020-01008-1> (accessed 1.2.2023).

<sup>199</sup> <https://www.dailymail.co.uk/news/article-7923981/Coronavirus-Disturbing-videos-claim-people-collapsing-Wuhan.html> (accessed 12.1.2022).

<sup>200</sup> <https://sg.news.yahoo.com/hysteria-over-coronavirus-italy-reminiscent-165558650.html> (accessed 1 2 2023)

<sup>201</sup> <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

<sup>202</sup> CFR § 73.3(a) and (b).

<sup>203</sup> See, e.g., <https://www.reuters.com/article/us-health-coronavirus-italy/italy-to-extend-coronavirus-lockdown-until-easter-as-new-cases-fall-idUSKBN21H2EH>; <https://www.politico.com/news/2020/03/22/germany-merkel-bans-meetings-two-people-142283>;



342. On widely viewed television channels such as CNN, a Coronavirus Pandemic case and death count was perpetually displayed on-screen, per below:<sup>204</sup>



343. As such, SARS-CoV-2 came to be known as “the virus that shut down the world.”<sup>205</sup>

### 3. EcoHealth Award Terminated

344. In an October 20, 2021, letter (“Tabak Letter”), NIH Deputy Director Lawrence Tabak wrote to Representative James Comer (R-KY) that the NIH had given a grant to EcoHealth Alliance, Inc., which then awarded a subgrant to the Wuhan Institute of Virology, and that EcoHealth had failed to submit reports as required under the terms of the grant.<sup>206</sup> See Exhibit “7” to Compl.: Tabak letter to Comer dated October 20, 2021.

345. Tabak’s letter stated that EcoHealth’s “limited experiment” looked at whether spike proteins from naturally occurring bat viruses circulating in China were capable of binding

<https://www.cnn.com/2020/04/16/new-york-and-other-east-coast-states-extend-shutdown-of-nonessential-businesses-to-may-15-gov-cuomo-says.html>

<sup>204</sup> [https://edition.cnn.com/world/live-news/coronavirus-pandemic-03-31-20/h\\_3253ec4c79b62eef1cc7024e18a16f0](https://edition.cnn.com/world/live-news/coronavirus-pandemic-03-31-20/h_3253ec4c79b62eef1cc7024e18a16f0)

<sup>205</sup> <https://www.washingtonpost.com/graphics/2020/world/coronavirus-pandemic-globalization/>

<sup>206</sup> <https://int.nyt.com/data/documenttools/nih-eco-health-alliance-letter/512f5ee70ce9c67c/full.pdf> (accessed 11/16/2022).

- to the ACE2 receptor in a mouse model. Tabak stated that mice infected with the modified virus became sicker than those who were infected with the unmodified virus. Tabak also wrote, “[a]s sometimes occurs in science, this was an unexpected result of the research, as opposed to something that the researchers set out to do.”<sup>207</sup> *Id.*
346. Tabak explained that while the NIH determined the research did not involve enhanced pathogens of pandemic potential, it nevertheless required “an additional layer of oversight” as a condition for the grant.
347. Specifically, EcoHealth was required to “report immediately a one log increase in growth” which would then prompt a secondary review to determine whether the research aims should be re-evaluated, or new biosafety measures should be enacted.”<sup>208</sup> *Id.*
348. Defendant EcoHealth allegedly failed to report this finding immediately as required by the terms of the grant, they were given five days to submit to NIH all unpublished data from the experiment and work conducted under the award.<sup>209</sup> *Id.*
349. In an October 20, 2021 tweet, Oversight Committee Republicans (@GOPoversight) said the following regarding the Tabak Letter, specifically calling out Defendants Peter Daszak and EcoHealth:<sup>210</sup>

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<sup>207</sup> *Id.*

<sup>208</sup> *Id.*

<sup>209</sup> *Id.*

<sup>210</sup> <https://twitter.com/GOPoversight/status/1450934193177903105> (accessed 1.2.2023).





**Oversight Committee Republicans**  
@GOPoversight

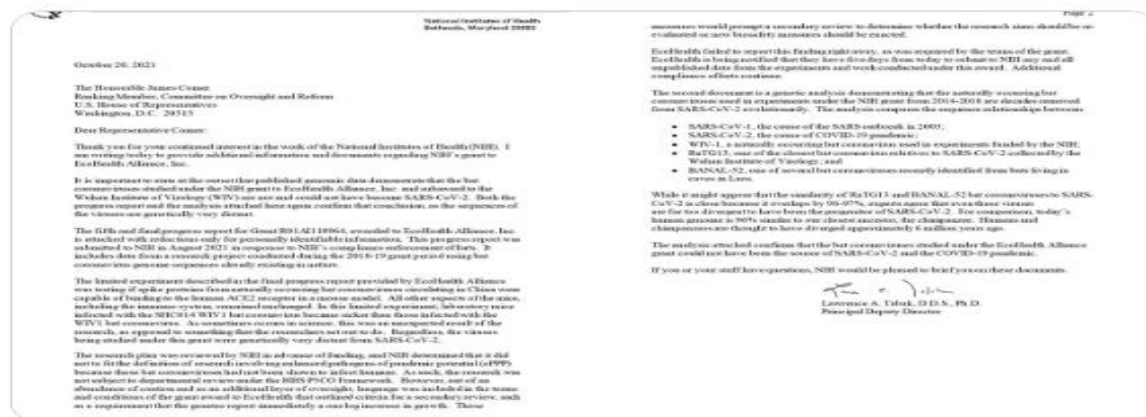


**July 28th NIH says “no NIAID funding was approved for Gain of Function research at the WIV.”**

**Obviously, they were lied to.**

**NIH confirmed today EcoHealth and the WIV conducted GOF research on bat coronaviruses.**

**@PeterDaszak with EcoHealth hid it from the USG.**



5:17 PM · Oct 20, 2021

350. A former member of a WHO advisory committee, Jamie Metzl, tweeted in response that it is “[d]eeply concerning Peter Daszak & @EcoHealthNYC violated terms of their @NIH grant by not reporting the increased ability of the genetically altered bat coronaviruses to infect human cells. We need a full investigation w/access to all relevant data, samples & personnel in #China.”<sup>211</sup> Separately, Rutgers Professor Richard H. Ebright tweeted his own response:

<sup>211</sup> <https://twitter.com/JamieMetzl/status/1450949931305422851> (accessed 12.1.2022)



**Richard H. Ebright** ✓ @R\_H\_Ebright · Oct 20, 2021

...

Replying to @GOPoversight and @PeterDaszak

The NIH received the documents in 2018 and reviewed the documents in 2020 and again in 2021.

The NIH--specifically, Collins, Fauci, and Tabak--lied to Congress, lied to the press, and lied to the public. Knowingly. Willfully. Brazenly.

351. On January 6, 2022, Dr. Michael Lauer, NIH Deputy Director for Extramural Research wrote to Defendant EcoHealth Alliance – specifically Drs. Aleksei Chmura and Defendant Peter Daszak. Exhibit “22” to January 6, 2022, Letter from Michael S. Lauer, MD, HIH Deputy Director for Extramural Research to Daszak, *et ano*.
352. In the above-mentioned letter, Dr. Lauer informed Defendants EcoHealth and Peter Daszak that “NIH is imposing specific award conditions on EcoHealth’s active awards, U01AI151797 and U01AI153420. **EcoHealth has demonstrated a history of failure to comply** with several elements of the terms and conditions of grant awards not only for these active awards, but also for the suspended award, R0AI110964.” (Emphasis added). *Id.* See Exhibit “16” to Compl.: Lauer letter to Chmura and Daszak, July 23, 2021.
353. Dr. Lauer outlined Defendant EcoHealth’s failures to comply in detail. *Id.* at 24.
354. As a result, NIH imposed specific award conditions (SAC), and required Defendant EcoHealth to successfully implement a Corrective Action Plan (CAP).
355. On August 19, 2022, NIH terminated a sub-award to WIV that had been part of an earlier grant to Defendant EcoHealth due to “failure to meet award terms and conditions requiring provision of records to NIH upon request.”<sup>212</sup> (Emphasis in original). Exhibit “23” Letter from Lauer to Comer August 19, 2022.

<sup>212</sup> [https://republicans-oversight.house.gov/wp-content/uploads/2022/08/NIH-Letter-to-Congress-regarding-EHA\\_Comer.pdf](https://republicans-oversight.house.gov/wp-content/uploads/2022/08/NIH-Letter-to-Congress-regarding-EHA_Comer.pdf)

356. On August 19, 2022, that same day, NIH informed Defendants EcoHealth and Peter Daszak that, “NIH is terminating the subaward from EcoHealth Alliance (EHA) to the Wuhan Institute of Virology (WIV) due to material non-compliance with terms and conditions of award that cannot be remedied by specific award conditions.” According to NIH, Defendant EcoHealth failed to provide NIH the laboratory notebooks and original electronic files from the research conducted at WIV. “To date, WIV has not provided these records” either.<sup>213</sup>
357. NIH further explained that “WIV’s refusal to provide the requested records, and EHA’s failure to include the required terms in WIV’s subaward agreement represent material failures to comply with the terms of award.”<sup>214</sup> While NIH noted that the partial termination is appealable, there is no evidence EcoHealth appealed the termination. The NIH advised that Defendant EcoHealth could potentially renegotiate the grant without involvement of the WIV.<sup>215</sup>

**L. Congressional Investigations Into the Origins of SARS-CoV-2 Are Continuing Amid NIH’s Stonewalling**

358. On November 30, 2022, members of Congress<sup>216</sup> sent another letter to Dr. Lawrence Tabak at the NIH: “We write to urge the [NIH] to respond to our longstanding requests to provide us information related to the origins of the COVID-19 pandemic, including matters related to [NIAID’s] grant to EcoHealth Alliance and subgrant to [WIV], and other subjects.”<sup>217</sup>
- Exhibit “20”: House letter to Tabak, November 30, 2022.

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<sup>213</sup> *Id.* at 3.

<sup>214</sup> *Id.*

<sup>215</sup> <https://theintercept.com/2022/10/04/ecohealth-alliance-lab-leak-nih-grant/>

<sup>216</sup> Representatives Rodgers (Committee on Energy and Commerce), Guthrie (Subcommittee on Health), and Griffith (Subcommittee on Oversight and Investigations) issued the letter.

<sup>217</sup> <https://republicans-energycommerce.house.gov/wp-content/uploads/2022/11/11.30.22-Letter-to-Dr.-Tabak.pdf> (accessed 12.2.2022).

359. The House members expressed concern that NIH has continuously failed to address their correspondence, and summarized the twelve letters sent between March 18, 2021 through October 31, 2022:

- a. a. March 18, 2021, Letter to Dr. Francis Collins – Congressional members sent a letter “requesting information related to where SARS-CoV-2 originated and how NIH grant dollars at the WIV were used.” NIH has not provided written responses. Exhibit “29”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Feb. 14, 2022) (internal footnotes omitted).
- b. June 10, 2021, Letter to Dr. Francis Collins – Congressional members “wrote to strongly express support for a ‘comprehensive investigation into the origins of the COVID-19 pandemic, including the possibility of an accidental laboratory leak.’ We identified several concerns related to the financial management and oversight of the NIH grant to EcoHealth Alliance and its subaward recipient, the WIV.” NIH has not provided responses.<sup>218</sup> Exhibit “24”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (March 18, 2021).
- c. July 21, 2021, Letter to Dr Francis Collins – Congressional members asked for more information regarding “NIH-supported gain-of-function research

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<sup>218</sup> Exhibit “25”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (June 10, 2021) (internal footnotes omitted).

involving ‘humanized mice’ as well as briefings from NIAID officials related to a grant award to EcoHealth Alliance, and an NIAID’s official [sic] visit to WIV.” Exhibit “26”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (July 21, 2021) (internal footnotes omitted).

- d. August 24, 2021, Letter to Dr. Francis Collins – Congressional members followed up concerning “NIAID’s coronavirus grant to EcoHealth Alliance[]” including inquiries about Defendant EcoHealth’s “oversight of its subgrantee WIV’s experiments to ensure compliance with biosafety requirements.” NIH has not provided a written response to date. Exhibit “27”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Aug. 24, 2021) (internal footnotes omitted).
- e. October 27, 2021, Letter to Dr. Francis Collins – “Based on documents the Department of Health and Human Services arranged for the Committee to review *in camera*, we highlighted in an October 27, 2021, letter our concerns about NIH’s oversight of EcoHealth Alliance’s research proposal that purported it was not conducting gain-of-function research. In addition, the letter raised concerns EcoHealth Alliance failed to comply with NIH’s grant terms yet continued to receive millions of dollars in grant funds. NIH was asked to reply to our questions by November 10, 2021, but to date, NIH has not submitted a written response to this letter.” Exhibit “28”, Letter from Committee Ranking

Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Francis Collins, M.D., Ph.D., Director, NIH (Oct. 27, 2021) (internal footnotes omitted).

- f. February 14, 2022, Letter to Dr. Francis Collins – The Committee sent a letter to Dr. Collins concerning suppression of scientific debate that SARS-CoV-2 could have originated from a research related incident. A similar letter was sent to Dr. Fauci, but neither has responded to.
- g. February 24, 2022, Letter to Dr. Lawrence A. Tabak – “On February 24, 2022, we raised concerns with you that NIH failed to effectively enforce its policies and regulations over EcoHealth Alliance. Specifically, EcoHealth withheld attribution of data to another federal grant from NIH, raising the possibility it was double-billing two federal agencies for the same research. Additionally, EcoHealth Alliance’s inability to provide laboratory notebooks and electronic files called into question the safety of the research conducted on humanized mice. Additionally, the letter expressed that, in contravention of federal regulations regarding financial disclosures, EcoHealth Alliance may have hidden from NIH the identities of its private donors. Several questions were requested to be answered by March 24, 2022. To date, NIH has not sent a written response.” Exhibit “30”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (Feb. 24, 2022)
- h.

- i. April 25, 2022, Letter to Dr. Lawrence A. Tabak – “On April 25, 2022, we wrote to you raising concerns that EcoHealth Alliance was potentially omitting key information in research allegedly conducted at WIV in order to obtain a renewal of federal grant funding. Specifically, information related to mice deaths (the higher death rates with mice infected by chimeric viruses, a supposedly unexpected result) may have been withheld from peer reviewers during the grant renewal’s application. These nondisclosures may have prevented peer reviewers from examining the complete research findings, thereby preventing them from questioning the riskiness of the experiments conducted with federal grant funds. While NIH has provided some information in a bipartisan briefing, many questions remain unanswered. NIH has not provided a written response to this letter.” Exhibit “31”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (Apr. 25, 2022)
- j. July 21, 2022, Letter to Dr. Lawrence A. Tabak – The committee sent a letter to NIH regarding its recent failure to convene a Scientific Management Review Board. Exhibit “32”, Letter from Committee Ranking Members (Full and Subcommittees, respectively) Cathy McMorris Rodgers, Brett Guthrie, Morgan Griffith to Lawrence A. Tabak, D.D.S., PhD., Acting Director, NIH (July 21, 2022).
- k.

- l. August 11, 2022, Letter to Dr. Lawrence A. Tabak - This letter dealt with issues not directly related to this matter.
- m. October 24, 2022, Letter to Dr. Lawrence A. Tabak – “Last month we sent you a letter raising concerns about how NIH could contemplate funding a new EcoHealth Alliance grant considering this organization’s past noncompliance with regulatory requirements and grant terms. As we noted, EcoHealth Alliance’s history of failing to substantiate scientific experiments with material records and its slipshod oversight of its sub awardee, the WIV, should have caused NIH to conclude that EcoHealth Alliance could not be a responsible steward of federal grant funding. We submitted several questions for you to answer by November 7, 2022, regarding the NIH’s decision to renew its funding of EcoHealth Alliance. To date, we have not received a written response from NIH to this letter.”

**M. Defendant EcoHealth Continues to Pursue Risky GOF and Other Research**

360. Despite the wreckage caused by the Defendants’ and their co-conspirators’ dangerous research, and even though Defendant EcoHealth has refused to cooperate with Congressional inquiries, Defendant EcoHealth continues to engage in risky research that could cause another pandemic.
361. Within weeks of terminating the funding for the Wuhan lab in August 2022, the NIH awarded a new grant to EcoHealth: “Analyzing the potential for future bat coronavirus emergence in Myanmar, Laos, and Vietnam.”<sup>219</sup> The project number is 1R01AI163118-

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<sup>219</sup> <https://reporter.nih.gov/search/0jAp779zVkaN-DEsKnKa5A/project-details/10522470>



01A1, while the contact PI/project leader is Peter Daszak and the Awardee Organization is EcoHealth Alliance, Inc.<sup>220</sup>

362. In questioning how NIH could continue to fund Defendant EcoHealth's research in light of the events discussed herein, the Committee on Energy and Commerce highlighted Defendant EcoHealth's past transgressions, including failure to substantiate scientific experiments with material records and careless oversight of WIV. This "should have caused NIH to conclude that EcoHealth Alliance could not be a responsible steward of federal grant funding."<sup>221</sup>

363. Defendants continue to double, triple, and quadruple down on risky, dangerous research that has the potential to cause another pandemic. As noted in the *Intercept*:

The aim of the new research is to identify areas of potential concern for future pandemic emergence in order to help public health authorities suppress an outbreak before it breaks containment. But the process of performing the research introduces the risk of sparking an outbreak that would not otherwise have occurred, a concern highlighted by The Intercept last year: "Virtually every part of the work of outbreak prediction can result in an accidental infection. Even with the best of intentions, scientists can serve as vectors for the viruses they hunt – and as a result, their work may put everyone else's lives on the line along with their own."<sup>222</sup>

364. In the words of Professor Richard Ebright, "[i]t is disturbing that additional funding continues to be awarded for the same high-risk research that may have caused the current pandemic, before there has been a national investigation of the origin of the current pandemic."<sup>223</sup> In fact, congressional investigations to date have concluded it is "more

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<sup>220</sup> *Id.*

<sup>221</sup>

<sup>222</sup> <https://theintercept.com/2022/10/04/ecohealth-alliance-lab-leak-nih-grant/> (accessed 11.17.22) (quoting <https://theintercept.com/2021/12/28/covid-pandemic-virus-hunters-ecohealth-alliance-peter-daszak-wuhan/> (last accessed 11.17.22)).

<sup>223</sup> <https://theintercept.com/2022/10/04/ecohealth-alliance-lab-leak-nih-grant/> (accessed 11.17.22).

likely than not” that the Covid-19 pandemic resulted from a research incident.<sup>224</sup> Indeed, the House Foreign Affairs Committee Report Minority Staff in August 2021 issued an addendum to their September 2020 *Final Report*, entitled *The Origins of COVID-19: An Investigation of the Wuhan Institute of Virology*. There, the committee concluded:

It is the opinion of the Committee Minority Staff, **based on the preponderance of available information**; the documented efforts to obfuscate, hide, and destroy evidence; and the lack of physical evidence to the contrary; that **SARS-CoV-2 was accidentally released from a Wuhan Institute of Virology laboratory**... Its release was due to poor lab safety standards and practices, exacerbated by dangerous gain-of-function research being conducted at inadequate biosafety levels, including BSL-2.”<sup>225</sup>

## VI. INJURIES – PLAINTIFF-SPECIFIC ALLEGATIONS

### *Plaintiff McKinniss*

365. Plaintiff Kathleen McKinniss’ Decedent, Rosemarie McKinniss was exposed to SARS-CoV-2 in a nursing home and died from said exposure on April 24, 2020.<sup>226</sup> See Exhibit “8” to Compl.: McKinniss Death Certificate; See Exhibit “9” to Compl., Photo of McKinniss.
366. Decedent Rosemarie McKinniss’ death was directly and proximately caused by Defendants’ and their co-conspirators’ actions and omissions as alleged herein.
367. Decedent Rosemarie McKinniss was extremely fearful for her life and well-being upon contracting SARS-CoV-2 and was isolated from her family and friends in her final days after suffering through a quarantine that caused all of them extreme emotional distress,

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<sup>224</sup> See Exhibit “13”, e.g., Source: Senate Minority Interim Report October 2022 @ 23.

<sup>225</sup> See Exhibit “13” Senate Minority Interim Report October 2022, *The Origins of COVID-19: An Investigation of the Wuhan Institute of Virology* at 62 (emphasis added).

<sup>226</sup> See Exhibit “8” to Compl.: Rosemarie McKinniss Death Certificate, showing cause of death was Covid-19).

intense pain and physical suffering, all due to Defendants' and their co-conspirators' actions and omissions as alleged herein.

368. The death of Decedent Rosemarie McKinniss caused extreme emotional pain, physical harm, and economic loss to Plaintiff Kathleen McKinniss, a direct and proximate result of Defendants' and their co-conspirators' acts and omissions as alleged herein.

***Plaintiff Rosado***

369. Plaintiff Carin Rosado was a front-line, essential worker with the NYC Fire Department working as an EMT.
370. Plaintiff Rosado worked through the early stages of SARS-CoV-2 when its consequences were then unknown and being concealed by Defendants, and contracted SARS-CoV-2 and since then has been suffering neurological, financial and emotional injuries.
371. Plaintiff Rosado was injured by exposure to SARS-CoV-2, including suffering an illness that caused migraines, high fever, cough, and intense fear due to the unknown consequences of contracting SARS-CoV-2, a novel virus.
372. Plaintiff Rosado further suffers from skin sensitivity, and loss of taste and smell due to exposure to SARS-CoV-2, affecting her ability to protect herself as a front-line worker because skin sensitivity and sense of smell are essential components of an EMT employee necessary to protect the EMT, and those in need and receiving emergency services.
373. On January 20, 2022, Plaintiff Rosado was fired by her employer for refusing a Covid-19 vaccination, thus suffering economic and property loss as a result of her loss of employment with the City of New York in the FDNY/EMT unit because of Defendants' **GOF** SARS-CoV-2 virus creation.

374. Plaintiff Rosado brings this action on her own behalf seeking compensation for her injuries directly and proximately caused by Defendants' wrongful conduct, causing her physical harm, emotional injuries, and economic loss.

***Plaintiff Finn***

375. Plaintiff Geraldine Finn's Decedent, James Finn, was admitted to Montefiore Nyack Hospital in Nyack New York, on March 25, 2021, and after receiving the standard COVID treatment protocol, and died on April 18, 2021.
376. Decedent James Finn's Death Certificate lists his death as Covid 19. See Exhibit "11", Finn Death Certificate. See Exhibits "11 & 12" to Compl., re: Finn Death Certificate and Photos.
377. Plaintiff Finn's husband James suffered from intense pain and fear prior to his death and was ventilated as a standard COVID treatment protocol suffering an agonizing death.
378. Plaintiff Finn was isolated and quarantined from his family during his final days causing all of them extreme emotional distress and anguish.
379. The death of James Finn caused emotional and physical harm, and economic loss to Plaintiff Geraldine Finn and to James Finn's heirs, a direct and proximate result of Defendants' and their co-conspirators' actions and omissions as alleged herein.

***Plaintiff Caddoo***

380. Plaintiff David Caddoo's mother, Decedent, Patricia Caddoo, was a resident of an assisted living facility in Lewisville, TX.
381. On December 5, 2020, Decedent Caddoo was sent to the emergency room at Medical City Hospital in Lewisville, TX where she tested positive for COVID.

382. Decedent Caddoo was intubated immediately in the ER and admitted to the ICU where she was not expected to survive the night.
383. On December 6, 2020, Decedent was extubated and sent back to her assisted living facility where she never regained consciousness and passed away on December 9, 2020. Exhibit “33” Death Certificate of Patricia Cadoo re: Covid 19.
384. Decedent Patricia Caddoo’s death was directly and proximately caused by Defendants’ and their co-conspirators’ actions and omissions as alleged herein.
385. Plaintiff Caddoo’s mother Patricia suffered from intense pain and fear prior to her death and received the standard COVID treatment protocol she received suffering an agonizing death.
386. Plaintiff Caddoo was isolated and quarantined from her family during her final days causing all of them extreme emotional distress and anguish.
387. The death of Patricia Caddoo caused emotional and physical harm, and economic loss to Plaintiff David Caddoo and to Patricia Caddoo’s heirs, a direct and proximate result of Defendants’ and their co-conspirators’ actions and omissions as alleged herein.

***Plaintiff Smith***

388. Plaintiff Melanie Smith’s Decedent, Robert Sendzischew, upon having difficulty breathing the morning of August 1, 2021, was taken by ambulance to South Nassau Mt. Sinai Hospital where he tested positive for COVID-19.
389. After receiving the standard COVID treatment protocol, he died on December 13, 2021. See Exhibit “34” Sendzischew Death Certificate, re: Covid 19.
390. Decedent Robert Sendzischew’s death was directly and proximately caused by Defendants’ and their co-conspirators’ actions and omissions as alleged herein.

391. Decedent Robert Sendzischew was extremely fearful for his life and well-being upon contracting SARS-CoV-2 and was isolated from his family and friends in his final days after suffering through a quarantine that caused all of them extreme emotional distress, intense pain and physical suffering, all due to Defendants' and their co-conspirators' actions and omissions as alleged herein.

392. The death of Decedent Robert Sendzischew caused extreme emotional pain, physical harm, and economic loss to Plaintiff Melanie Smith, a direct and proximate result of Defendants' Defendants' and their co-conspirators' acts and omissions as alleged herein.

***Plaintiff Lewis***

393. Plaintiff Kimberly Lewis' husband, Decedent, Robert Lewis, was admitted to Mercy Hospital in Buffalo, New York, on December 28, 2021, and after receiving the standard COVID treatment protocol, died on January 15, 2022. Exhibit "35" Lewis Death Certificate, re: Covid 19.

394. Plaintiff Lewis' husband Robert Lewis suffered from intense pain and fear prior to suffering an agonizing death.

395. Plaintiff Lewis was isolated and quarantined from his family during his final days causing all of them extreme emotional distress and anguish.

396. The death of Robert Lewis caused emotional and physical harm, and economic loss to Plaintiff Lewis and Robert Lewis' a direct and proximate result of Defendants' and their co-conspirators' actions and omissions as alleged herein.

***Plaintiff Peter***

397. Plaintiff Lisa Peter's mother, Decedent, Patricia Chislett, tested positive for COVID on November, 20, 2021 and was admitted to Sister's of Charity Hospital in Buffalo, New

York, on November 24, 2021 where she was ventilated on December 15, 2021 and died on December 18, 2021. Exhibit “36”, Death Certificate Chislett, re: Covid 19.

398. Plaintiff Peter’s mother Patricia suffered from intense pain and fear prior to her death, treated with the standard COVID treatment protocol and suffered an agonizing death.
399. Decedent Chislett was isolated and quarantined from her family during her final days causing all of them extreme emotional distress and anguish.
400. The death of Patricia Chislett caused emotional and physical harm, and economic loss to Plaintiff Lisa Peter and to Patricia Chislett’s heirs, a direct and proximate result of Defendants’ and their co-conspirators’ actions and omissions as alleged herein.

***Plaintiff Jones***

401. Plaintiff Roxanne Jones’ husband, Decedent, Dale Jones, was admitted to Mercy Hospital in Buffalo, New York, on July 30, 2022. He remained stable in the hospital until August 13, 2022 when he was put on a ventilator and moved to ICU, put on a ventilator . Decedent Dale Jones died in the hospital on September 2, 2021.
402. Plaintiff Jones’ husband Dale suffered from intense pain and fear prior to her death, treated with the standard COVID treatment protocol and suffered an agonizing death. Exhibit “37”, Jones’ Death Certificate, re: Covid 19.
403. Decedent Jones was isolated and quarantined from his family during his final days causing extreme emotional distress and anguish.
404. The death of Dale Jones caused emotional and physical harm, and economic loss to Plaintiff Roxanne Jones and to Dale Jones’ heirs, a direct and proximate result of Defendants’ and their co-conspirators’ actions and omissions as alleged herein.

## VII. TOLLING OF THE STATUTE OF LIMITATIONS

### A. Discovery Rule Tolling

405. Plaintiffs had no way of knowing about the Defendants' actions and omissions as alleged herein with respect to the SARS-CoV-2 virus.
406. Within the time period of any applicable statutes of limitation, Plaintiffs and all others similarly situated could not have discovered through the exercise of reasonable diligence that the Defendants were concealing the conduct complained of herein and exposing the general public to great risks of harm, illness, and death.
407. Plaintiffs did not discover, and did not know of, facts that would have caused a reasonable person to suspect that the Defendants did not report information within their knowledge to federal and state authorities, the medical community, and the general public; nor would a reasonable and diligent investigation have disclosed that the Defendants had concealed information about the creation and release of the ultra-hazardous SARS-CoV-2 virus, which was discovered by Plaintiffs only shortly before this action was filed. Nor, in any event, would such an investigation on the part of Plaintiffs have disclosed that the Defendants' actions and omissions led to a worldwide pandemic and unquantifiable human suffering and damages.
408. For these reasons, all applicable statutes of limitation have been tolled by operation of the discovery rule with respect to claims as to the SARS-CoV-2 virus.

### B. Fraudulent Concealment Tolling

409. All applicable statutes of limitations have also been tolled by the Defendants' knowing and active fraudulent concealment and denial of the facts alleged herein throughout the time period relevant to this action.



410. Instead of disclosing the dangerous nature of the SARS-CoV-2 virus they created, Defendants intentionally obfuscated and sought to convince the world, including Plaintiffs, that the SARS-CoV-2 virus was a natural virus.
411. For these reasons, all applicable statutes of limitation have been tolled due to Defendants' fraudulent concealment related to the origins of the SARS-CoV-2 virus as well as to the existence of Plaintiffs' causes of action.

### **C. Estoppel**

412. The Defendants were under a continuous duty to disclose to Plaintiffs the true character, abnormally dangerous and lethality of the SARS-CoV-2 virus that was released by them into the environment first reported on about December of 2019 in the media.
413. The Defendants knowingly, affirmatively, and actively concealed or recklessly disregarded the true nature, dangerousness, and lethality of the SARS-CoV-2 virus, putting Plaintiffs, at increased risk of harm.
414. Based on the foregoing, the Defendants are estopped from relying on any statutes of limitations in defense of this action.

## **VIII. CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION (Negligence)**

415. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
416. Defendants, individually and collectively, failed to use ordinary care while researching, developing, creating, and maintaining the SARS-CoV-2 virus at the WIV or elsewhere.

### **Duty**

417. Defendants, individually and collectively, owed a duty to each Plaintiff and Decedent to act as a reasonably prudent person(s) would act under the circumstances when conducting dangerous research on viruses that have the potential to cause a pandemic.
418. Defendants, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, owed a duty of care to Plaintiffs and Decedents to protect them from the risks of exposure to SARS-CoV-2, because Defendants were in the best position to protect against the risk of harm that resulted in damages to each Plaintiff and Decedent, as alleged herein.
419. Defendants, individually, collectively, and those working in furtherance of their enterprise and within the scope of their authority, owed Plaintiffs and Decedents a duty to maintain their research under an appropriate biosafety level while implementing proper protective measures so that there would be no leak of the ultra-hazardous SARS-CoV-2 from the WIV or elsewhere.
420. Defendants, individually, collectively, and those working in furtherance of their enterprise and within the scope of their authority, owed the Plaintiffs and Decedents a duty to perform an appropriate risk assessment of the laboratories where their research was conducted so that there would be no leak of the ultra-hazardous SARS-CoV-2 from WIV or elsewhere.
421. Defendants, individually, collectively and their co-conspirators owed a duty to Plaintiffs and Decedents to immediately warn them that a pathogen with potential to cause a pandemic had leaked from the WIV or elsewhere.
422. Defendants, individually, collectively and those working in furtherance of their enterprise and within the scope of their authority were in the best position to learn about the release

of SARS-CoV-2 and warn Plaintiffs, Decedents, and others similarly situated of the potential risks and consequences of exposure to this novel virus.

**Breach**

423. Defendants, individually and collectively, breached their duty of care to Plaintiffs and Decedents by conducting abnormally dangerous research on viruses, which led to the release of SARS-CoV-2 and damages to Plaintiffs and Decedents, as alleged herein.
424. Defendants, individually, collectively, and their co-conspirators further breached their duty to Plaintiffs and Decedents by engaging in dangerous **GOF** research despite knowledge of its dangers, including a moratorium on such research and acknowledgement of such dangers in the medical literature and elsewhere.
425. Defendants, individually, collectively, and their co-conspirators nonetheless continued to perform dangerous **GOF** research at the WIV and elsewhere, eventually causing the COVID-19 pandemic when SARS-CoV-2 was released on the global population, injuring and/or killing Plaintiffs and/or Decedents.
426. Defendants, individually, collectively and their co-conspirators further breached their duty to Plaintiffs and Decedents by conducting dangerous **GOF** research in inadequate and unsafe laboratories, including BSL-2 and BSL-4 labs.
427. Defendants, individually, collectively, and those working in furtherance of their enterprise and within the scope of their authority, breached their duty by failing to maintain their research under an appropriate biosafety level and/or use enhanced bio-safety containment processes, which upon information and belief led to the release of SARS-CoV-2 from the WIV or elsewhere.

428. Defendants failed to perform an appropriate risk assessment of their research laboratories to avoid a leak of the ultra-hazardous SARS-CoV-2 from WIV or elsewhere and disregarded multiple substantial warnings about safety breaches and lax biosecurity standards at the WIV, termed the “Wild West” as alleged herein.
429. Defendants breached their duty to Plaintiffs and Decedents by causing SARS-CoV-2 to be released due to their carelessness and failure to employ ordinary care.
430. Defendants, and those working in furtherance of their enterprise and within the scope of their authority, further breached their duty by failing to implement reasonable and proper protective measures to prevent a lab leak of SARS-CoV-2, as alleged herein, and by failing to protect Plaintiffs and Decedents from the risks of exposure to SARS-CoV-2, a product and creation of their abnormally dangerous research and experiments on viruses at the WIV and elsewhere.
431. Defendants breached their duty to Plaintiffs and Decedents by failing to immediately warn them about the release of SARS-CoV-2, including potential risks and consequences of exposure to the novel SARS-CoV-2. In furtherance of their enterprise and conspiracy, Defendants and their co-conspirators actively sought to downplay their role in a potential lab leak of SARS-CoV-2, in the process withholding critical information about the novel virus, its makeup, and its origin.
432. Defendants, individually and collectively, and their co-conspirators instead worked diligently to advance alternative theories concerning the origin of SARS-CoV-2, including that the virus originated in a wet market in Wuhan, or was released through frozen food imported to China.

433. Defendant Daszak and his co-conspirators' statements regarding the origins and release of the ultra-hazardous SARS-CoV-2 virus into the environment were knowingly false and misleading, designed by Defendants to mislead other medical researchers, immunologists, doctors, the medical community, and the public about their **GOF** research and as to Defendants' and their co-conspirators' role in the origins, creation and release of the ultra-hazardous SARS-CoV-2 virus into the environment.
434. Defendants' concerted actions took the form of an express or implied agreement not to warn and was achieved by providing substantial assistance or encouragement to one another to conceal their wrongful course of conduct.<sup>227</sup>
435. Defendants, individually and collectively, and their co-conspirators failed to disclose or to warn Plaintiffs of the known dangers associated with the exposure to Defendants' ultra-hazardous SARS-CoV-2 virus.

### CAUSATION

436. Defendants', individually and collectively, and their co-conspirators' acts and omissions as alleged herein directly and proximately caused physical and emotional injury, economic loss, and/or death to Plaintiffs and/or Decedents in that Defendants' acts and omissions were a substantial factor(s) in bringing about said injuries and/or death.
437. But for Defendants', individually and collectively, and their co-conspirators' acts and omissions relating to the dangerous **GOF** research and subsequent release of the abnormally dangerous SARS-CoV-2, and the ensuing cover-up about its origins, Plaintiffs

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<sup>227</sup> Emails show scientists discussed masking their involvement in key journal letter on COVID origins. US Right to Know Feb 15, 2021, <https://usrtk.org/covid-19-origins/scientists-masked-involvement-in-lancet-letter-on-covid-origin/> accessed 11.17.2022 & Exhibit 3, Huff Declaration.

and Decedents would not have suffered injuries and/or death due to SARS-CoV-2 or could have mitigated such outcomes.

## **DAMAGES**

438. As a result of Defendants', individually and collectively, and their co-conspirators' acts and omissions as alleged herein, Plaintiffs and Decedents were damaged by exposure to the SARS-CoV-2 virus, causing Plaintiffs and/or Decedents to suffer physical and emotional injury, economic loss, and/or death.
439. The limitations on liability set forth in CPLR § 1601 do not apply to this action by reason of one or more of the exceptions set forth in CPLR § 1602.
440. WHEREFORE, Plaintiffs demand judgment in their favor against all Defendants, individually, jointly, severally, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

## **SECOND CAUSE OF ACTION (Gross Negligence)**

441. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
442. Defendants, individually and collectively, and their co-conspirators failed to use even slight care while researching, developing, creating, and maintaining the SARS-CoV-2 virus at the WIV or elsewhere.
443. Defendants', individually and collectively, and their co-conspirators' conduct as alleged herein was so careless that it shows a complete disregard for the rights and safety of others, including Plaintiffs and Decedents.

**Duty**

444. Defendants, individually and collectively, owed a duty to each Plaintiff and Decedent to act as a reasonably prudent person(s) would act under the circumstances when conducting abnormally dangerous research on viruses.
445. Defendants, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, owed a duty of care to Plaintiffs and Decedents to protect them from the risks of exposure to SARS-CoV-2, because Defendants were in the best position to protect against the risk of harm that resulted in damages to each Plaintiff and Decedent, as alleged herein.
446. Defendants, and those working in furtherance of their business and within the scope of their authority, owed Plaintiffs and Decedents a duty to maintain their research under an appropriate biosafety level while implementing proper protective measures so that there would be no leak of the ultra-hazardous SARS-CoV-2 from the Wuhan Lab or elsewhere.
447. Defendants, and those working in furtherance of their enterprise and within the scope of their authority, owed the Plaintiffs and Decedents a duty to perform an appropriate risk assessment so that there would be no leak of the ultra-hazardous SARS-CoV-2 from WIV or elsewhere.
448. Defendants, individually and collectively, and their co-conspirators owed a duty to Plaintiffs and Decedents to immediately warn them that a pathogen with potential to cause a pandemic had leaked from the WIV or elsewhere.
449. Defendants and those working in furtherance of their enterprise and within the scope of their authority were in the best position to learn about the release of SARS-CoV-2 and

warn Plaintiffs, Decedents, and others similarly situated of the potential risks and consequences of exposure to this novel virus.

### **Breach**

450. Defendants, individually and collectively, failed to use even slightest care in conducting abnormally dangerous research on viruses at inappropriate and unsafe facilities, which on information and belief, resulted in the release of SARS-CoV-2 and damages to Plaintiffs and Decedents, as alleged herein.
451. Defendants, individually and collectively, and their co-conspirators further breached their duty to Plaintiffs and Decedents by engaging in dangerous **GOF** research despite knowledge of its dangers, including a moratorium on such research and acknowledgement of such dangers in the medical literature and elsewhere.
452. Defendants, individually and collectively, and their co-conspirators nonetheless continued to perform dangerous **GOF** research at the WIV and elsewhere, eventually causing the COVID-19 pandemic when SARS-CoV-2 was released on the global population, injuring and/or killing Plaintiffs and/or Decedents.
453. Defendants and their co-conspirators further breached their duty to Plaintiffs and Decedents by conducting dangerous **GOF** research in inadequate and unsafe laboratories, including BSL-2 and BSL-4 labs.
454. Defendants, and those working in furtherance of their enterprise and within the scope of their authority, breached their duty by failing to maintain their research under an appropriate biosafety level and/or use enhanced bio-safety containment processes, which upon information and belief led to the release of SARS-CoV-2 from the WIV or elsewhere.



455. Defendants failed to perform an appropriate risk assessment of their research laboratories to avoid a leak of the ultra-hazardous SARS-CoV-2 from WIV or elsewhere and disregarded multiple substantial warnings about safety breaches and lax biosecurity standards at the WIV, termed the “Wild West” as alleged herein.
456. Defendants further breached their duty to Plaintiffs and Decedents by causing SARS-CoV-2 to be released due to their carelessness and failure to employ ordinary care.
457. Defendants, and those working in furtherance of their enterprise and within the scope of their authority, further breached their duty by failing to implement reasonable and proper protective measures to prevent a lab leak of SARS-CoV-2, as alleged herein, and by failing to protect Plaintiffs and Decedents from the risks of exposure to SARS-CoV-2, a product and creation of their abnormally dangerous research and experiments on viruses at the WIV and elsewhere.
458. Defendants, individually and collectively, and their co-conspirators further breached their duty to Plaintiffs and Decedents by failing to immediately warn them about the release of SARS-CoV-2, including potential risks and consequences of exposure to the novel SARS-CoV-2.
459. In furtherance of their enterprise and conspiracy, Defendants and their co-conspirators actively sought to downplay and conceal their role in a potential lab leak of SARS-CoV-2, by withholding critical information about the novel virus, its makeup, and its origin.
460. Defendants and their co-conspirators instead worked diligently to advance alternative theories concerning the origin of SARS-CoV-2, including that the virus originated in a wet market in Wuhan, or was released through frozen food imported to China that was knowingly false to them.

461. Defendants, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, breached their duty by failing to protect Plaintiffs and Decedents from the risks of exposure to SARS-CoV-2, a product and creation of their abnormally dangerous research and experiments on viruses at the WIV and elsewhere.

### **Causation**

462. Defendants, individually, and their co-conspirators' failure to use even slight care, as alleged herein, directly and proximately caused physical and emotional injury, economic loss, and/or death to Plaintiffs and/or Decedents.

463. Defendants, individually and collectively, and their co-conspirators' acts and omissions were a substantial factor(s) in bringing about Plaintiffs' alleged injuries and/or deaths.

464. But for Defendants', individually and collectively, and their co-conspirators' acts and omissions relating to the dangerous **GOF** research and subsequent release of the abnormally dangerous SARS-CoV-2, and the ensuing cover-up about its origins, Plaintiffs and Decedents would not have suffered injuries and/or death due to SARS-CoV-2 or could have mitigated such outcomes.

### **Damages**

465. As a result of Defendants', individually and collectively, and their co-conspirators' reckless and/or careless disregard for the rights and safety of others, as alleged herein, Plaintiffs and Decedents were damaged by exposure to the SARS-CoV-2 virus, causing Plaintiffs and/or Decedents to suffer physical and emotional injury, economic loss, and/or death.

466. The limitations on liability set forth in CPLR § 1601 do not apply to this action by reason of one or more of the exceptions set forth in CPLR § 1602.
467. WHEREFORE, Plaintiffs demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**THIRD CAUSE OF ACTION**  
**(Strict Liability)**

468. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
469. Defendants, individually and collectively, and their co-conspirators engaged in uncommon, abnormally dangerous research on viruses that created a foreseeable and highly significant risk of physical harm to others, even if all actors had exercised reasonable care.
470. Defendants' and their co-conspirators' **GOF** research involving bat coronaviruses was and is abnormally dangerous.
471. Defendants and their co-conspirators knew and had reason to know of the abnormally risky nature of their **GOF** research at WIV, UNC, and elsewhere.
472. SARS-CoV-2 has been designated by the Department of Health and Human Services ("HHS") as a biological agent or toxin with "potential to pose a severe threat to public health and safety."<sup>228</sup>

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<sup>228</sup> CFR § 73.3(a) and (b).

473. Defendants and their co-conspirators were engaging in an abnormally dangerous activity subject to strict liability without regard to fault for any injury to person or property caused by that activity.
474. SARS-CoV-2 was known by Defendants to be dangerous to Plaintiffs' health at the time it was released into the environment, and Defendants knew or should have known SARS-CoV-2 was harmful and deleterious.
475. At all times relevant, and as alleged herein, Defendants and their co-conspirators knew, or should have known, about the serious biosecurity problems at the WIV and its ties to the Chinese military prior to subcontracting their **GOF** research under the guise of pandemic preparedness.
476. Defendants, individually, and their co-conspirators knew the NIH imposed a moratorium on **GOF** research in October 2014, to "be effective until a robust and broad deliberative process is completed that results in the adoption of a new US Government gain-of-function policy."
477. Defendants and their co-conspirators further had knowledge that many scientists had serious concerns about the risks of **GOF** research and worked to conceal the SARS-Cov-2 origins.<sup>229</sup>
478. The SARS-CoV-2 virus and related "spike protein" are ultra-hazardous and abnormally dangerous because they necessarily involve a risk of serious harm to humans, which could not have been eliminated by the exercise of utmost care and are not items of common usage.
479. Defendants, individually, and their co-conspirators at WIV and elsewhere, as part of their enterprise with Defendant EcoHealth, funded, designed, and created the abnormally

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<sup>229</sup> Burki, Talha: *Ban on gain-of-function studies ends*, *The Lancet, Infectious Diseases* (Vol. 18, Issue 2, P. 148-49, Feb. 1, 2018). [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(18\)30006-9/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(18)30006-9/fulltext)

dangerous SARS-CoV-2 in an unsafe and inherently dangerous manner. As expected, SARS-CoV-2 caused serious bodily harm and/or death to Plaintiffs and/or Decedents.

480. Defendants outsourced their **GOF** research to the WIV without required safety protocols in place for the kind of ultra-hazardous research conducted there as alleged herein, demonstrating a willful and reckless disregard for the dangers associated with **GOF** genetic virus manipulation that, when later released into the environment, directly and proximately caused Plaintiffs' and Decedents' injuries and/or death.

481. Defendants', individually and collectively, and their co-conspirators' actions as alleged herein were a substantial factor in bringing about Plaintiffs' and Decedents' injuries and/or death.

482. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**FOURTH CAUSE OF ACTION  
(Negligent Failure to Warn)**

483. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

484. Defendants possessed superior knowledge concerning the true hazards of SARS-CoV-2, and with intent, concealed said knowledge from Plaintiffs and Decedents.

485. Defendants concealed their knowledge and role in causing the Covid-19 pandemic to avoid liability and the public shame that would cause irreparable harm to their reputation(s).

486. As researchers, manufacturers and funders of the ultra-hazardous, abnormally dangerous SARS-CoV-2, Defendants and their co-conspirators knew or should have known of its hazards and dangers.
487. Defendants negligently failed to provide adequate and proper warnings to Plaintiffs as to the dangers of the exposure to SARS-CoV-2.
488. Defendants and their co-conspirators possessed the superior medical data and scientific knowledge which clearly indicated that their virus was ultra-hazardous to the environment and public health, and, prompted by pecuniary motives and self-interest, failed to act upon said medical data and scientific knowledge, and failed to disclose the information to health officials and the public, including Plaintiffs and Decedents, thus leaving them physically vulnerable and uninformed as to the consequences of exposure to the ultra-hazardous SARS-CoV-2.
489. Defendants and their co-conspirators failed to disclose their role(s) in the origin of SARS-CoV-2, failed to disclose their knowledge of its lethality, transmissibility and virulence, and failed to provide for safety precautions to be observed by persons who would reasonably and foreseeably come into contact with SARS-CoV-2.
490. Defendants negligently failed to warn and to convey whatever knowledge of the dangers, health hazards, or safety precautions they had to those innocent persons exposed to their ultra-hazardous coronavirus SARS-CoV-2, including Plaintiffs and Decedents.
491. Defendants and their co-conspirators negligently failed to warn Plaintiffs and Decedents of the risks and dangers to their health as a result of exposure to SARS-CoV-2, which information Plaintiffs and Decedents could have used to make an adequate and informed

- judgment as to how to avoid such exposure, or treat the virus if and when exposed, impeding effective countermeasures that could have prevented injuries and saved lives.
492. As a direct and proximate result of Defendants' and their co-conspirators' concealment and negligent failure to warn, as alleged herein, Plaintiffs and Decedents have suffered and endured great physical pain and mental anguish and suffered loss of enjoyment of their lives, and/or death.
493. Plaintiffs and Decedents did not contribute in any manner to their own injuries and/or deaths caused by Defendants' ultra-hazardous SARS-CoV-2 virus released into the environment.
494. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**FIFTH CAUSE OF ACTION  
(Intentional Infliction of Emotional Distress)**

495. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
- Extreme and outrageous conduct**
496. Defendants' and their co-conspirators' acts and omissions as alleged herein were extreme and outrageous.
497. Defendants and their co-conspirators were well aware of the risks and dangers involved with **GOF** research, including the potential of causing a worldwide pandemic.

498. Defendants and their co-conspirators nonetheless proceeded with such research, eventually causing the Covid-19 pandemic by creating and releasing a highly transmissible and deadly lab-made virus, SARS-CoV-2.

499. Defendants and their co-conspirators knowingly and willfully manufactured SARS-CoV-2, negligently failed to advise Plaintiffs, Decedents, and the general public of the serious health consequences associated with the lab-made SARS-CoV-2 virus, and worse, intentionally engaged in a scheme to conceal the true laboratory origins of SARS-CoV-2. Such acts and omissions were extreme and outrageous.

**Intent to cause, or disregard of a substantial probability of causing, severe emotional distress.**

500. Defendants blatantly disregarded the substantial probability that their actions and omissions would cause severe emotional distress to Plaintiffs and others similarly situated, by having to confront the reality of a dangerous, novel virus that causes debilitating symptoms ranging from loss of taste and smell to death.

**A causal connection between the conduct and the injury**

501. Defendants' dangerous **GOF** research directly and proximately caused Plaintiffs' and Decedents' physical and emotional injuries and/or deaths, as alleged herein.

502. But for Defendants' and their co-conspirators' abnormally dangerous and risky research in an inadequate laboratory setting, Plaintiffs and Decedents would not have been injured and/or killed.

**Severe emotional distress**

503. As a result of Defendants' and their co-conspirators' acts and omissions, Plaintiffs and/or Decedents suffered and/or continue to suffer severe emotional distress and mental anguish, knowing their injuries and/or deaths were caused by Defendants' and their co-conspirators'



negligent, reckless, and wanton acts and omissions, which were fully avoidable. Plaintiffs' and Decedents' physical and emotional injuries and/or deaths have caused and continue to cause Plaintiffs severe emotional distress due to their debilitating symptoms and fear of contracting SARS-CoV-2 in the future.

504. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**SIXTH CAUSE OF ACTION  
(Negligent Infliction of Emotional Distress)**

505. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
506. Defendants owed a duty of care to Plaintiffs and Decedents, as alleged herein.
507. Defendants breached their duty of care by directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.
508. Plaintiffs' and Decedents' injuries and/or death are a direct and proximate result of Defendants' abnormally dangerous activity, negligence and carelessness, and their demonstrated wanton and reckless disregard for Plaintiffs' safety and well-being, directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.
509. At all times relevant herein, Defendants negligently inflicted emotional distress on each Plaintiff and/or Decedent by creating, releasing and exposing them to SARS-CoV-2,

directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.

510. As a result of said conduct by Defendants and their co-conspirators, Plaintiffs and/or Decedents have sustained extreme emotional distress and mental anguish associated with their physical injuries as well as extreme emotional distress and mental anguish associated with the failure of Defendants to advise them of the serious health effects associated with exposure to SARS-CoV-2.

511. As a result of Defendants' and their co-conspirators' mishandling of SARS-CoV-2 as alleged herein, each Plaintiff and/or Decedent was exposed to a dangerous, ultra-hazardous lab-made virus, and as a direct and proximate result thereof have suffered the injuries alleged herein, unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.

512. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**SEVENTH CAUSE OF ACTION  
(Assault and Battery)**

513. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

514. Defendants intentionally and continuously committed battery to Plaintiffs' and Decedents' persons by releasing SARS-CoV-2 into Plaintiffs' and Decedents' work and living environments, exposing them to their **GOF** virus and experiment.

515. Defendants' assault and battery are a direct and proximate cause of injuries, damages, and/or death sustained by the Plaintiffs and/or Decedents.
516. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**EIGHTH CAUSE OF ACTION  
(Medical Monitoring and Fear of Contracting Illness)**

517. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
518. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs have sustained personal injuries that are presently known, and which cause symptoms, pain, and suffering, and sequela.
519. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs have incurred and continue to incur the cost of medical treatment and monitoring requiring routine temperature tests, masking, PCR testing and other intrusive and distressing diagnostics.
520. As a direct and proximate result of Defendants' and their co-conspirators' conduct as alleged herein, Plaintiffs are at greater risk of suffering future injuries, symptoms, and pain and suffering from the latent and unknown effects of their exposure to SARS-CoV-2. As a direct and proximate result thereof, Plaintiffs will need continual medical treatment, testing and monitoring in the future.

521. As a result of the foregoing, Plaintiffs are entitled to recover the costs of past and future medical monitoring, testing and treatment from Defendants, as a separate claim for relief, or, alternatively, as additional damages under each of the other claims for relief above.
522. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**NINTH CAUSE OF ACTION  
(Civil Conspiracy)**

523. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
524. Plaintiffs herein allege twelve (12) cognizable causes of action.

**Agreement among the conspirators**

525. Defendants and their co-conspirators agreed to conduct dangerous **GOF** research at WIV and elsewhere, despite knowledge of the dangers of **GOF** research, allegedly to prevent a pandemic.
526. Defendants and their co-conspirators agreed to perform dangerous **GOF** research at inadequately maintained laboratories, increasing the risk of a pandemic.
527. Defendants and their co-conspirators then worked to cover up the true origins of SARS-CoV-2 as alleged herein.
528. Defendants and their co-conspirators intentionally engaged in numerous overt acts in furtherance of their various agreements. For example, Defendant EcoHealth intentionally funneled money to WIV to conduct dangerous **GOF** research.

529. In addition, Defendants and their co-conspirators intentionally studied bat coronaviruses using **GOF** to make such viruses more transmissible and deadly, allegedly to prevent the next pandemic.
530. Additionally, Defendants Daszak, Cottingham, Baric, and Lipkin intentionally conspired among themselves and their co-conspirators to draft an article debunking the lab leak theory, instead pointing to a natural origin of SARS-CoV-2.
531. Defendants intentionally delayed and obfuscated instead of being forthcoming with Plaintiffs and the public, causing irreparable harm and damage in the interim period as alleged herein.
532. Defendants' and their co-conspirators' conspiracy caused physical and emotional harm, economic loss, and/or death to Plaintiffs and/or Decedents as alleged herein.
533. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**TENTH CAUSE OF ACTION  
(Wrongful Death)**

534. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
535. Decedents are survived by family members entitled to recover damages from all Defendants for the wrongful death of their Decedents. These family members are among the Plaintiffs who are entitled to damages deemed as a fair and just compensation for their injuries resulting from the deaths of the Decedents.

536. The injuries and damages suffered by Plaintiffs McKinniss, Finn, Caddoo, Smith, Lewis, Peter, and Jones by virtue of the death of the Decedents, and the consequences resulting therefrom, were proximately caused by the intentional and reckless acts, omissions, and other tortious conduct of all Defendants as described herein.
537. As a direct and proximate result of the deaths of the Decedents, their heirs have been deprived of future aid, assistance, services, comfort, and financial support.
538. As a direct and proximate result of the Defendants' and their co-conspirators' negligent, dangerous, reckless, and deceptive acts and omissions as alleged herein, the heirs of the Decedents will forever grieve their deaths.
539. As a further result of Defendants' and their co-conspirators' negligent, dangerous, reckless and deceptive acts and omissions, Plaintiffs McKinniss, Rosado, Finn, Caddoo, Smith and Lewis, Peter, and Jones have been caused to expend various sums to administer the estates of Decedents and have incurred other expenses for which they are entitled to recover damages.
540. The statutes of limitations and statutes of repose (if any) for Wrongful Death are equitably tolled by virtue of Defendants' and their co-conspirators' continuing acts and omissions to cover up the origins of the SARS-CoV-2 virus, and their role with respect thereto, as alleged herein. Defendants must not be allowed to benefit from their fraudulent concealment of Plaintiffs' causes of action, as alleged herein.
541. WHEREFORE, Plaintiffs McKinniss, Finn, Caddoo, Smith, Lewis, Peter, and Jones demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent

Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**ELEVENTH CAUSE OF ACTION  
(Survival)**

542. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
543. Plaintiffs (except Rosado) bring this action for damages suffered by the Decedents and caused by Defendants' and their co-conspirators' actions and omissions.
544. As a result of the intentional and negligent acts of the Defendants and their co-conspirators as described above, the Decedents were placed in apprehension of harmful and offensive bodily contact (assault), suffered offensive and harmful bodily contact (battery), suffered extreme fear, anxiety, emotional and psychological distress (intentional/negligent infliction of emotional distress), and were mentally and physically harmed, trapped, and falsely imprisoned (false imprisonment) prior to their deaths.
545. As a result of the Defendants' and their co-conspirators' reckless and dangerous conduct, the Decedents suffered damages including pain and suffering, trauma, emotional distress, loss of life and life's pleasures, loss of earnings and earning capacity, loss of accretion to their estates, and other items of damages as fully set forth in the paragraphs above, which are incorporated herein by reference.
546. WHEREFORE, Plaintiffs demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

**TWELFTH CAUSE OF ACTION  
BREACH OF WARRANTY**

547. 129. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the foregoing paragraphs of the Verified Complaint with the same force and effect as if hereinafter set forth at length.
548. As part of their role as prime and subcontractors, and grant recipients of U.S. tax dollars, the Defendants, expressly and impliedly warranted that their virus research was safe, and fit for its intended purpose, i.e., pandemic preparedness.
549. There were implied/express warranties made by Defendants (as prime and subcontractors and grant recipients of U.S. tax dollars from NIH and NIAID), specifically, that the ultra-hazardous coronavirus SARS-Co V-2 research and creation was fit, and consistent with their particular, intended use, i.e., pandemic preparedness.
550. Defendants breached their implied\express warranties to the Plaintiffs by creating and releasing SARS-Co V-2 and concealing the fact that SARS-Co V-2 was a harmful, toxic lab-made virus that caused the severe and permanent personal injuries and death to Plaintiffs and/or Decedents while engaging in their ordinary course of conduct.
551. Defendants omitted reference to the *Gain of Function* elements of their coronavirus research being conducted with the Wuhan Lab in submissions for federal funding, breaching express and implied warranties.
552. Defendants also omitted reference to the CRISPR elements of their coronavirus research being conducted at the Wuhan Lab in submissions for federal funding.
553. Defendants further omitted reference to the serial passage elements of their coronavirus research being conducted at the Wuhan Lab in submissions for federal funding.
554. Defendants further omitted reference to capabilities of altering coronaviruses from their



submissions for federal funding to avoid detection of the risks to human safety associated with the research and to evade enhanced HHS oversight.

555. As a direct and proximate result of the breach of the implied/express warranties of good quality for fitness for the particular use, Plaintiffs were seriously injured and developed coronavirus related diseases and injuries and were caused to endure great pain and suffering and sequela.

556. As a result of Plaintiffs' and Decedents' continuing exposure to Defendants' ultrahazardous coronavirus SARS-Co V-2, each has suffered, and/or continues to suffer, emotional and physical injuries, economic loss, and/or death.

557. severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such

558. WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-Co V-2 or similar acts.

**THIRTEENTH CAUSE OF ACTION  
(Punitive Damages)**

559. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

560. The actions and omissions of all Defendants and their co-conspirators, acting in concert to carry out their unlawful objectives, were malicious, outrageous and in willful, wanton, and reckless disregard of the rights, safety, health and lives of all Plaintiffs and/or Decedents.

561. Defendants, acting individually and in concert, intended to carry out actions they knew would endanger the lives of the Plaintiffs and/or Decedents and all those similarly situated.
562. Defendants' and their co-conspirators' actions and omissions as alleged herein demonstrate a high degree of moral culpability and turpitude. Defendants' and their co-conspirators' conduct represents a high degree of immorality and shows such wanton dishonesty as to imply a criminal indifference to their civil obligations.
563. Defendants' and their co-conspirators' actions and omissions put Plaintiffs, Decedents at risk of contracting a novel and deadly pathogen, SARS-CoV-2. Defendants' and their co-conspirators' wanton and willful conduct must be punished to deter similar conduct, which is still continuing as alleged herein, and the attendant risks.
564. As a result of their intentional, malicious, outrageous, willful and wanton conduct, all Defendants are jointly and severally liable to all Plaintiffs for punitive damages in an amount to be determined at trial.
565. WHEREFORE, Plaintiffs demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment against the Defendants on each of the above-referenced claims and causes of action and as follows:

1. Awarding compensatory damages in excess of the jurisdictional amount, including but not limited to pain, suffering, emotional distress, loss of enjoyment of life, and other non-economic damages in an amount to be determined at trial of this action;
2. Awarding compensatory damages to Plaintiffs for past and future damages, including, but not limited to, Plaintiffs' pain and suffering and for severe and permanent personal injuries sustained by Plaintiffs including health care costs and economic loss;
3. Awarding economic damages in the form of medical expenses, out of pocket expenses, lost earnings and other economic damages in an amount to be determined at trial of this action;
4. Awarding punitive damages to Plaintiffs in order to punish Defendants for their wanton, reckless, and malicious acts and omissions, and thereby discourage Defendants and others from acting in a similar way in the future;
5. Awarding special and consequential damages for conspiratorial conduct.
6. Pre-judgment interest;
7. Post-judgment interest;
8. Awarding Plaintiffs reasonable attorneys' fees;
9. Awarding Plaintiff the costs of these proceedings; and
10. Such other and further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand trial by jury as to all issues.

DATED: 1 5 2023

Respectfully submitted,

s/Patricia Finn, Esq.

**PATRICIA FINN ATTORNEY, P.C.**

58 East Route 59, Suite 4

Nanuet, New York

845 398 0521

/s/ Thomas Renz

**THOMAS RENZ**

*Pending Pro Hac Vice Admission*

(Ohio Bar ID: 98645)

1907 W. State St. #162

Fremont, OH 43420

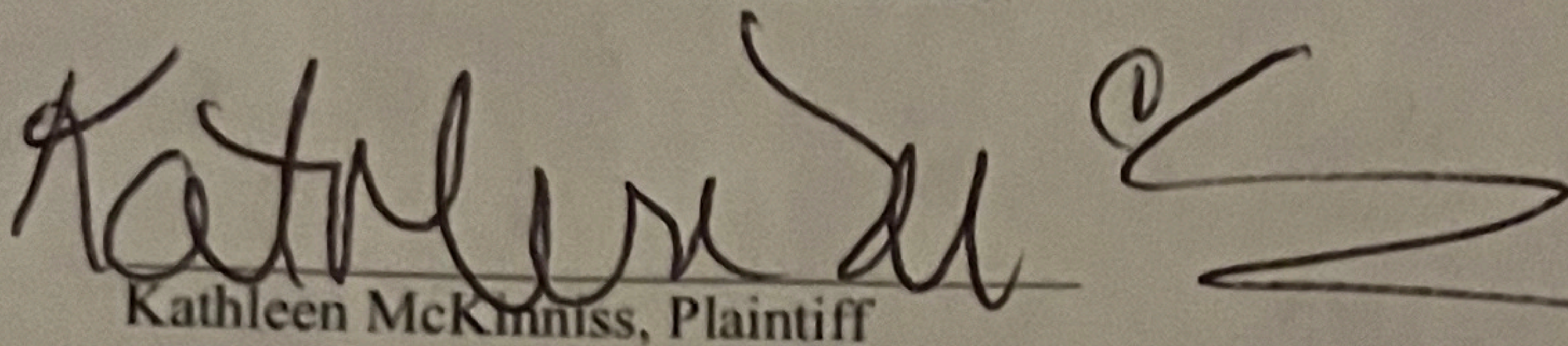
(419) 351-4248

renzlawllc@gmail.com

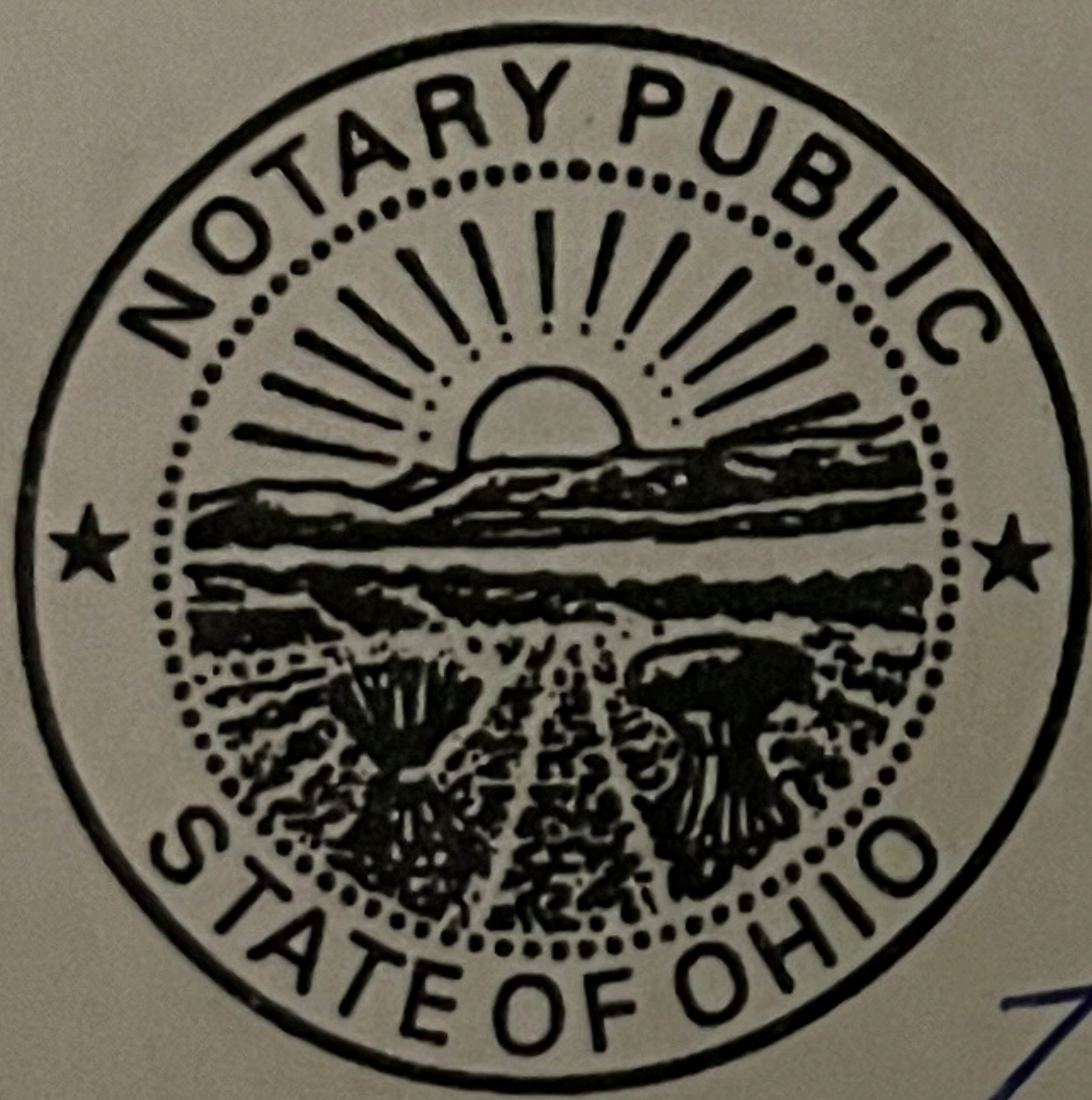


VERIFICATION OF AMENDED VERIFIED COMPLAINT

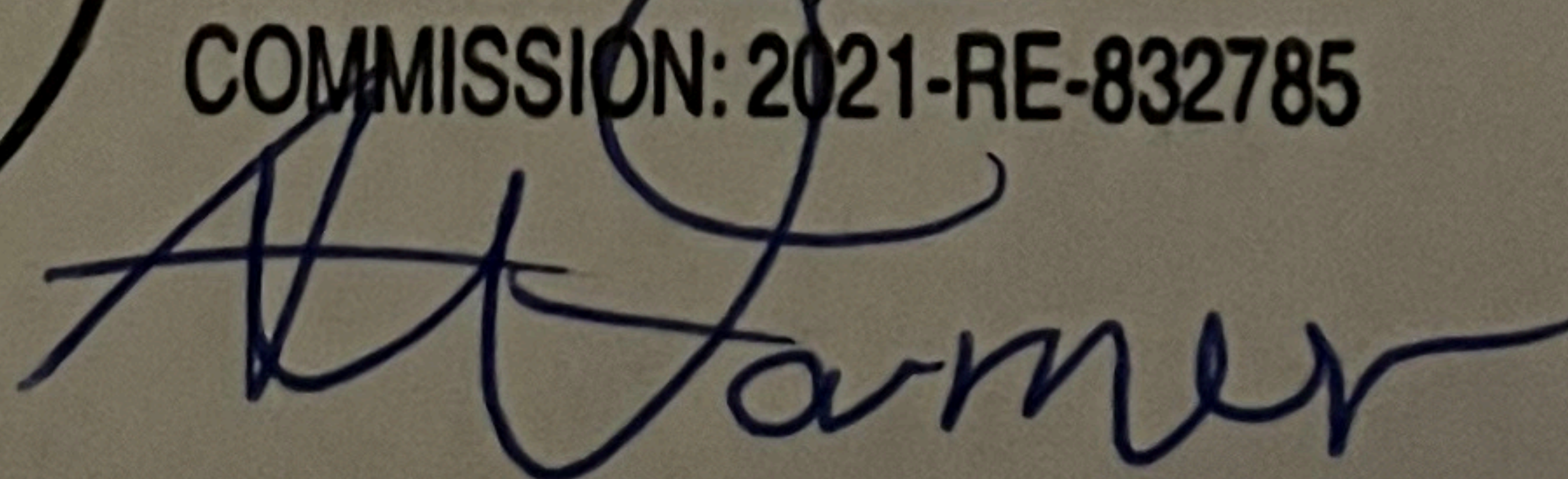
I, Kathleen McKinniss, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

  
Kathleen McKinniss, Plaintiff

Sworn to before me this 29th day of December, 2022.



ASJA ROBERTA RIVERS FARMER  
Notary Public, State of Ohio  
My Commission Expires  
June 29, 2026  
COMMISSION: 2021-RE-832785





## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, Carin Rosado, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

  
Carin Rosado, Plaintiff

Sworn to before me this 30 day of December, 2022.

  
ANNAMARIE O'CONNOR

ID # 2359182

NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 26, 2027

ANNAMARIE O'CONNOR  
ID # 2359182

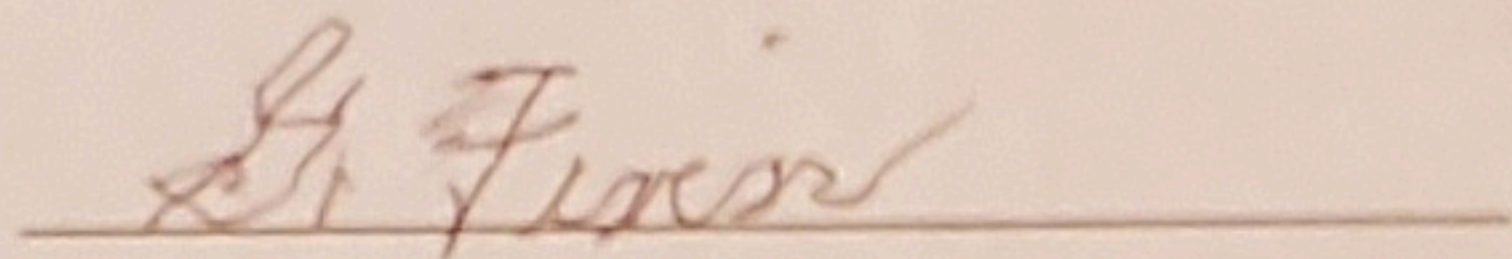
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES APRIL 26, 2027





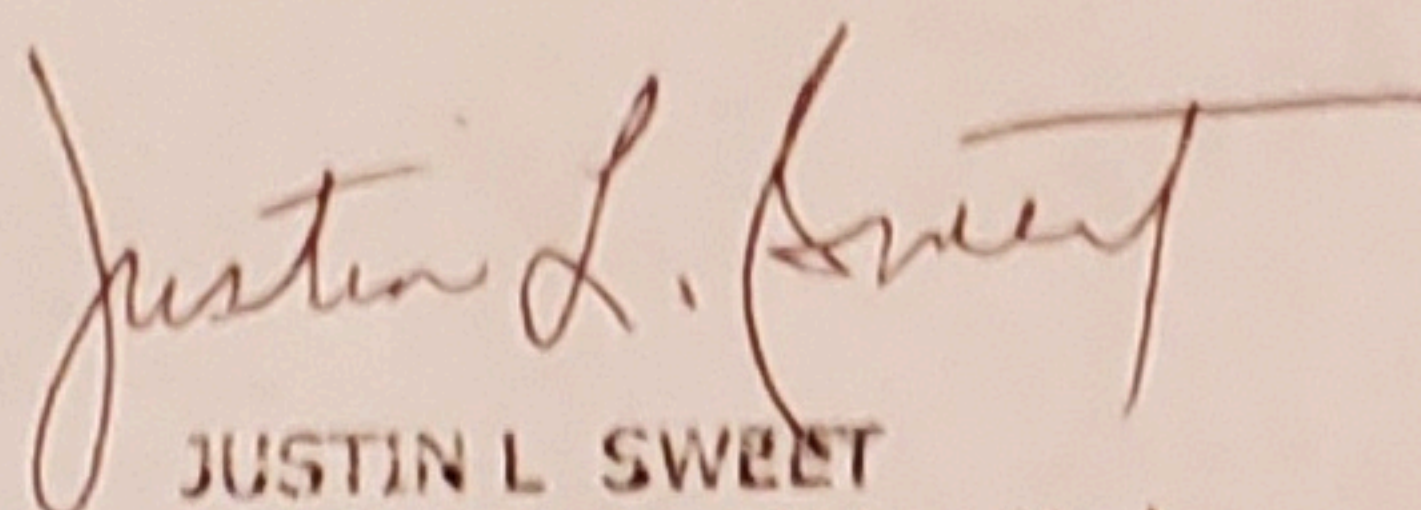
## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, Geraldine Finn, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



Geraldine Finn, Plaintiff

Sworn to before me this 30 day of December, 2022.



JUSTIN L. SWEET  
Notary Public, State of New York  
No. 01SW5056209

Qualified in Rockland County  
Commission Expires March 4, April 23, 2026.



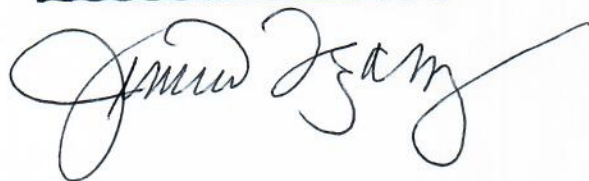
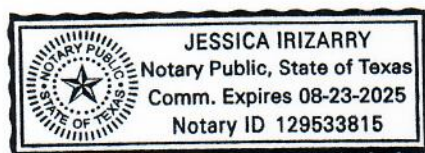
## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, David Caddoo, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



David Caddoo, Plaintiff

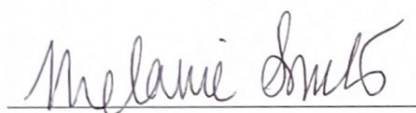
Sworn to before me this 30 day of December, 2022.





## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, Melanie Smith, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



Melanie Smith, Plaintiff

Sworn to before me this 29 day of December, 2022.

See Attached CA Notary Page

## CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

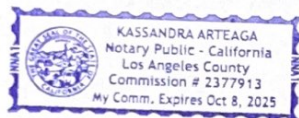
State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on

this 29 day of December, 2022, by  
Date Month Year(1) Melanie Ruth Smith(and (2) \_\_\_\_\_),  
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature

Signature of Notary Public

## OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

## Description of Attached Document

Title or Type of Document: Verification of Amended Verified Complaint

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

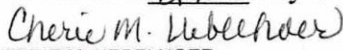
## VERIFICATION OF COMPLAINT

I, Kimberly Lewis, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



Kimberly Lewis, Plaintiff

Sworn to before me this 29<sup>th</sup> day of December, 2022.

  
CHERIE M. UEBELHOER  
Notary Public, State of New York  
Qualified in Genesee County  
My Commission Expires 03/05/2024

## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, Lisa Peter, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.



Lisa Peter, Plaintiff

Sworn to before me this 29 day of December, 2022.

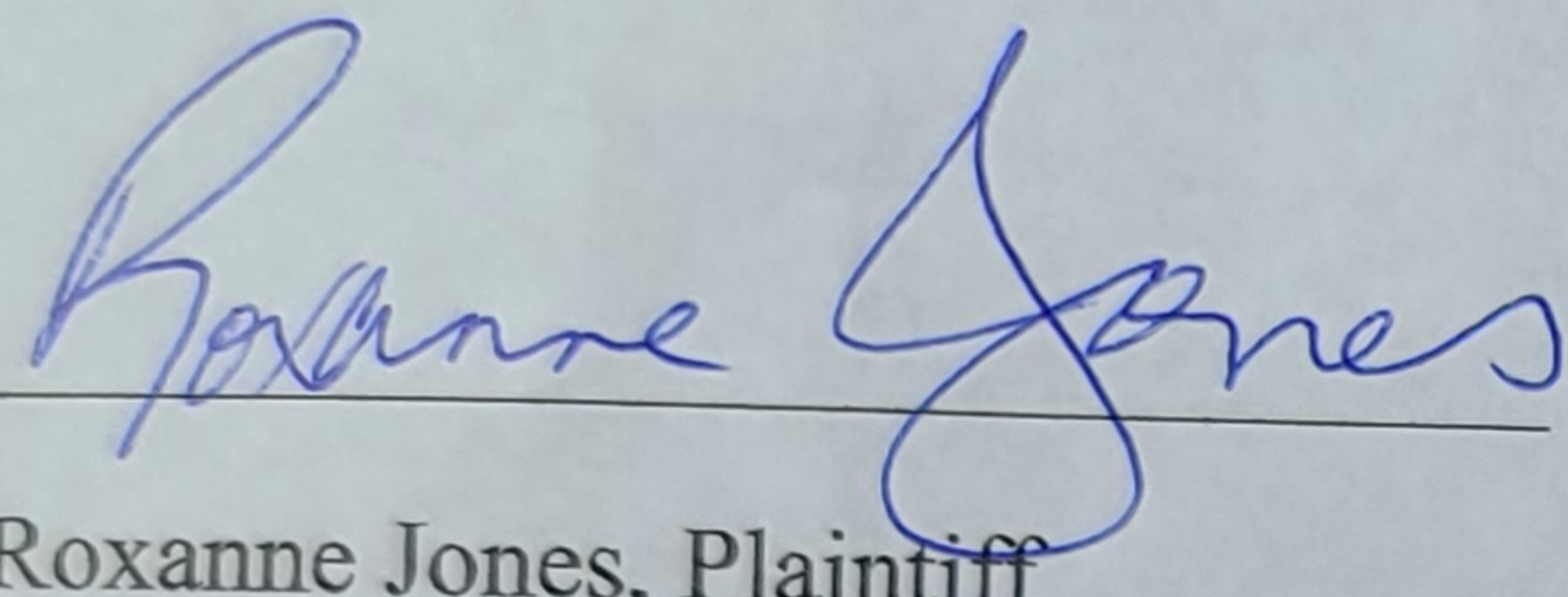


DAWN A. PEARCE  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES OCT. 12, 2025



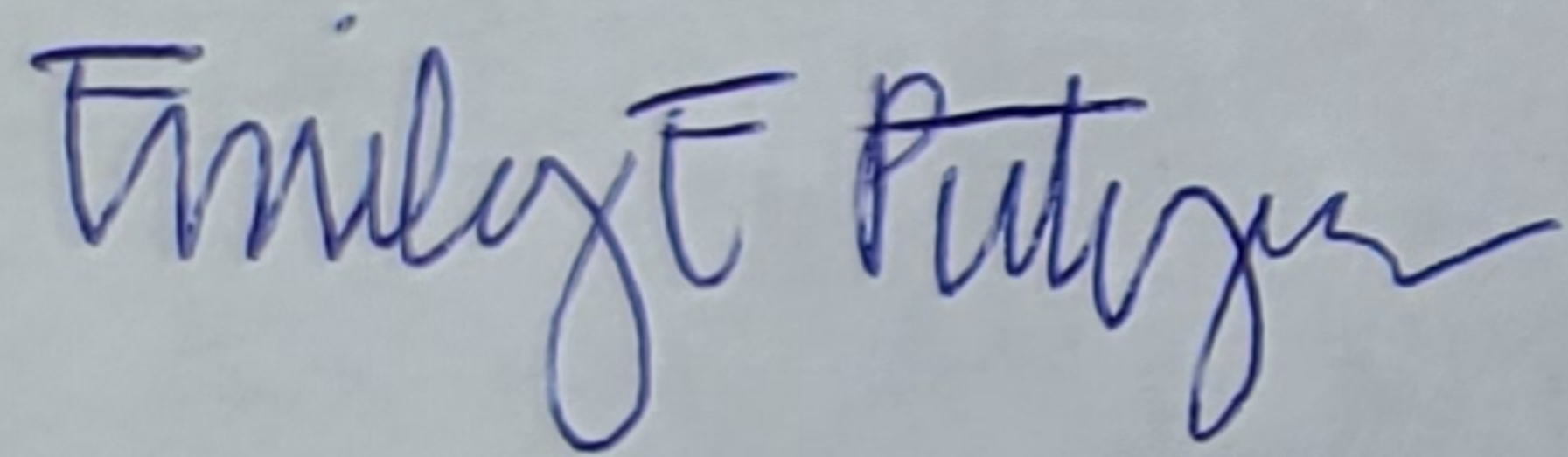
## VERIFICATION OF AMENDED VERIFIED COMPLAINT

I, Roxanne Jones, plaintiff, being duly sworn, deposes and says: I have read the annexed Complaint, and know the contents thereof; that the same is true to the knowledge of deponent except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

A handwritten signature in blue ink that reads "Roxanne Jones". The signature is written over a horizontal line.

Roxanne Jones, Plaintiff

Sworn to before me this 30 day of December, 2022.

A handwritten signature in blue ink that reads "Emily E. Putzer".

EMILY E PUTZER  
NOTARY PUBLIC STATE OF NEW YORK  
- ERIE COUNTY  
LIC. #01PU6416597  
COMM. EXP. 04/19/2025